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Mary Stuart, Queen of Scots, &c.

From an Original Painting in the possession of J. F. Smyth
Ferdinand Smyth Esq.

Destiny and Fortitude:

AN HISTORICAL POEM.

Ni fallat fatum, Scoti quocunque locatum
Inveniunt lapidem, regna tenentur ibidem.

Inscription on the black stone on which the Kings of Scotland were crowned, formerly in the Abbey at Scone, now in Westminster Abbey, in the chair on which the Sovereigns of Great Britain are crowned.

Destiny and Fortitude:

AN HISTORICAL POEM.

IN SIXTEEN ELEGIES.

BEING A

DETAIL OF THE MISFORTUNES

OF THE

ILLUSTRIOUS HOUSE OF STUART.

BY FERDINAND SMYTH STUART,

THE NEAREST DESCENDANT.

WITH A BEAUTIFUL PLATE OF MARY STUART QUEEN OF SCOTS.

LONDON:

Printed for the AUTHOR, by Cox, Son, and Baylis, Great Queen Street, Lincoln's-Inn-Fields.

1808.

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(J. F. Smyth) Ferdinand Smyth Stuart Esq.

VERSES

Addressed to FERDINAND SMYTH STUART, *Esq.*

ON THE POEM, ENTITLED

DESTINY AND FORTITUDE.

O Thou! Great mistress of the sacred Nine!
Who canst the cypress with the laurel twine,
If e'er thou deign'st on earth thy power t'exert
O'er swelling passion and the human heart,
If e'er the powers of numbers swell'd thy train,
If sad misfortune or transcendant pain,
If splendid misery, or royal woe,
E'er caus'd the springs of sympathy to know
The depths of anguish, or the hate of life,
The rage of demons, or dire faction's strife,—
Now come, great Goddess! give success and fame,
Inspire the vent'rous bard, succeed his gen'rous aim.
This said,—when lo! in yonder fields of light
The awful goddess rush'd upon the sight;
Her solar crest majestic play'd on high,
Her train and dazzling zone illume the sky;
"Thy prayer is heard," she said; "let him recount,"
(While glory blaz'd around the sacred mount)
"Let FERDINAND in flowing strains retrace,
"A STUART best can sing of STUART's Royal Race."
Her sceptre wav'd, on whirling clouds she gains
The heavenly portals and th'ethereal plains.

Yes, charming bard, thy favour'd muse complains
Of love and beauty in elegiac strains;
Of Destiny and Fortitude she sings,
And every ill which from misfortune springs,
Endur'd by saints, by captives, or by kings.
In softest numbers now they melt the soul,
Now rouse the passions, now their rage controul,

Now

Now indignation tears the loyal breast,
Now smiling weeps, then lulls each pain to rest;
The powers of passion she alternate sways,
The ear still listens, and the heart obeys.

But ah! what form of language can impart
The frantic grief that wrings the royal heart;
Which, never painted in the hue of speech,
Lives at the soul and mocks expression's reach.
'Tis thine, great bard, to feel and paint their woes;
A STUART'S heart alone their sorrows knows.

In virtue's cause may every gen'rous aim
Be crown'd with honour and the wreaths of fame!

D. E.

☞ THE Reader is respectfully reminded that the fine glowing imagery, in which consists a great part of the beauty and elegant display of genius in poetry, cannot be admitted in the following Elegies, which, being chiefly an historical detail of events, must be confined within the limits of strict veracity, without even poetic embellishment, yet is more impressive, proper, and descriptive than any relation in prose;—being intended to accompany, enliven and illuminate a Genealogical Chart of the Royal House of Stuart, the most ancient, the most illustrious and the most unfortunate in the world.

July 30, 1808. F. S. S.

DESTINY AND FORTITUDE.

..... " In struggling with misfortunes
Lies the true proof of virtue....." SHAKESPEARE.

" Cold, hunger, prisons, ills without a cure,
All these men must, and guiltless oft, endure."

" Or does your justice, power, or prescience fail,
When the good suffer, and the bad prevail?—
What worse to wretched virtue could befall,
If Fate, as giddy Fortune, govern'd all?....."

..... " Yet this we see,
The bad exalted, and the good oppress'd..... "

" Permitted laurels grace the lawless brow;
Th'unworthy rais'd, the worthy cast below."

" Faith flies, and Piety in exile mourns,
And Justice, here oppress'd, to heaven returns." DRYDEN.

ELEGY I.

SYMPATHY AND SORROW.

WHY falls on us the rage of frowning Fate?
What mournful sounds still vibrate in mine ear?
Dejection's downcast look; desponding gait;
The sob of sorrow, and the brow of care!

Why swims this melancholy in mine eye?
Why sinks this solemn sadness in my mind?
Why heaves the deep involuntary sigh,
The melting tear of woe, and drooping head reclin'd?

Why seek I out obscure and gloomy glades?
Why wander with a weary step forlorn?
Why stretch'd along in solitary shades,
'Midst rugged brakes, and rudely shagged thorn?

Alas! no more the gay assemblies please,
Where smiling looks unwounded hearts adorn:
This heart, once gladsome and as much at ease,
Is now dejected, broken, and forlorn.

The lovely fair's sweet melody of voice,
Wakes melting transports in th'attentive swains,
Recals my musing mind to former joys,
And recollection aggravates my pains.

Restraint all banish'd o'er the social bowl,
Our bosoms open'd while the heart is glad,
Evince the tranquil unoppressed soul;
Such self-delusions render mine more sad.

Full soon accustom'd to the bitter draught,
Resign'd I felt misfortune's iron rod;
For sacred authors dawning virtue taught
To meet them cheerful from a gracious GOD!

Th'enlighten'd mind, serene and ever gay,
At frowning fortune innocently smil'd;
And still the sprightly and instructive lay
Would flow promiscuous, artless, free, and wild.

But Providence, my misery to advance,
Sent Pleasure in her most alluring form,
With ev'ry sweet enjoyment, to enhance
And render blacker the succeeding storm.

ELEGY II.

HONOUR AND AFFECTION.

'Though the most dreadful tempests should arise,
And from their settled bases nations tear,
And earth and ocean dash against the skies,
Unmov'd I would the mighty ruin bear.

Secure in innocence contemn them all:
Honour, that spark of the celestial fire,
Array'd in honour, gloriously fall,
That above nature makes mankind aspire;

Ennobles the rude passions of our frame,
The richest treasure of a generous breast,
With thirst of glory and desire of fame,
That gives the stamp and standard to the rest.—'

The sweetest nymph,—the fav'rite of the plain,—
The lovely Emma, innocent and gay,
The pride, the joy, the wish of ev'ry swain,
With beauties bright'ning each revolving day:

Fair virtue and bright blooming excellence
Adorn'd her soul so delicately true;
Each action grace,—her mind superior sense,
She shines an angel all before the view.

As mild, as tender, soft as turtle dove,—
Yet cold to all, and obdurate as stone;
For this dear maid I burn'd with ardent love,
My roving heart was fix'd by her alone.

Far

Far more than life I lov'd this charming fair ;
My love return'd with equal ardour, bless'd :
Mutual endearments banish'd all our care,
And ev'ry apprehension lull'd to rest.

Trembling with raptures seiz'd us first all o'er ;
What follow'd was all ecstacy and trance ;
A wild delirium never known before :
Immortal pleasures in our eyes did dance.

If love most pow'rful, with resistless sway,
Plung'd us in pleasure, beyond prudence bounds,
Pity, not vengeance, on our heads convey,
Which in our hearts inflict most cruel wounds.

ELEGY III.

LOVE AND MISFORTUNE.

Yet human frailty might plead some excuse ;
We both were warm, impassion'd, off our guard :
That blissful hour did all our virtue loose,
For such a dang'rous moment unprepar'd.

How happy, then, with Emma would I rove
Thro' shady groves, and sweetly fragrant bowers ;
The grottoes, conscious of our fervent love,
Increas'd their beauties, and perfum'd their flowers.

The gifts of fortune then were in my power,
And peace and plenty smiling at my board,
Love, wealth, and pleasures, flowing ev'ry hour,
And all that lavish nature could afford.

But this felicity was soon annoy'd,
Too mighty and too exquisite to last,
For green-ey'd Envy all our bliss destroy'd,
Like direful lightning fondest hopes to blast!

Severely were our secret loves aveng'd,
With heavy woes on this devoted head.
Nor were our minds from innocence estrang'd;
Nor was fair virtue from our bosoms fled.

For all our fault was merely want of form;
Our hearts united were, our souls sincere;
The nuptial rites prevented by a storm,
Of which we entertain'd no distant fear.

An uncle false, with guardian's sacred power,
This lovely charge to distant lands betray'd;
And unsuspecting, in a fatal hour,
To some unknown, unfriendly coast convey'd.

In search of her for many months I stray'd;
Encount'ring ev'ry toil of land and sea:
And well had all my pains been overpaid,
Could I have rescued her so dear to me.

But vain was all my labour, all my care;
No tidings of my love could I obtain.
O'erwhelm'd in anguish, and in deep depair,
My life was wretchedness,—existence pain.

ELEGY IV.

BEAUTY AND FRIENDSHIP.

When thus my misery was at the height,
And when my cup of bitterness ran o'er,
The good Miranda,—blessing to the sight!
With heavenly aid did me to life restore.

With form more beautiful than human kind,
And mind enrich'd with learning's ample lore,
A heart susceptible and quite refin'd;
But see Miranda,—that was to adore!

Her soul new virtues every hour display'd,
New objects of compassion too produc'd;
Relief to all with pleasure she convey'd,
Nor to distress was ever aid refus'd.

Her piercing eye my secret thoughts beheld,
Her feeling heart still sympathiz'd with woe;
And to my wounded mind she first reveal'd,
To bear with meekness what we can't forego.

By her the gloomy prospect was dispell'd,
Again benignant heaven propitious smil'd:
Her social converse ev'ry nymph's excell'd,
Except my Emma's, artless, tender, mild.

No grief remain'd within my soul serene,
Save that from Emma's image planted there;
Her lovely form by lively fancy seen,
"Oh, guard her, heaven!" was my most fervent prayer!

The

The mild Miranda's sweet melodious voice,
Her pure, her cheerful, and enlighten'd mind
Made every heart around her to rejoice,
And render'd all our pleasures more refin'd.

My joy, my comfort, my delight was she,
The pleasing, constant, ever-faithful friend;
The world precluded, unreserv'd to me,
And sure relief to all distress would send.

Let not some conscious guilty mind suppose
We had enjoyments virtue would forbid.
Here innocence afforded soft repose,
From pomp and noise and vice and folly hid.

An anxious, watchful, tender nurse to me
Languid and low with painful harsh disease;
Th'attentive dear physician too was she,
Th' endearing friend still studious how to please.

I placed my confidence in her alone,
Without her, life was but an empty void:
My thoughts and wishes all to her were known;
Her meekness still the edge of grief destroy'd.

ELEGY V.

SENSIBILITY AND PAIN.

Or splendid wealth and beauty's bloom possess'd,
Health's youthful glow, and most unrivall'd charms,
By boundless power and highest rank address'd,
And humbly sued to bless their envied arms.

But pomp and splendour were by her despis'd,
Serenely happy in her lov'd retreat,
Where nature's sweets were pure and undisguis'd,
And gay content and virtue fix'd their seat.

Yet health and wealth and beauty all are vain,
Transient, false, and fleeting, ev'ry joy;
For former pleasures add to present pain,
Intruding phantoms promis'd bliss destroy.

'The glare of grandeur, and the pomp of power,
And all that beauty,—all that wealth e'er gave,—
Alike await th'inevitable hour;
The paths of glory lead but to the grave.'

Th' ador'd Miranda, smiling, lovely, gay,
The morning grac'd, amidst her fav'rite friends;
But, fatal change!—a lifeless corse of clay
The evening gloom her mournful bier attends!—

Why was I form'd with this too feeling mind?
Keen sensibility pervades my soul!
With joy and with distress of every kind
My heart is wounded far beyond controul.

To grieve for her was selfish, sinful, vain ;—
Her soul to heaven had wing'd her speedy way.—
Yet mourn I must, in agonizing pain,
An universal tribute all must pay.

ELEGY VI.

WAR AND CAPTIVITY.

Rebellion now had rear'd her gory head,
Her ruffian hordes rush forth in rude array,
Of order, law, and government instead,
The standard of sedition high display.

Britain's degenerate outcasts here unite,
In this vile principle alone agree,
Revolt and fell confusion to excite,
Under the guise of sacred liberty.

Germanic slaves, fair freedom's fatal foes,
Hibernia's outlaws flock to faction's aid ;
Sweet peace, and unsuspecting soft repose,
From lost Columbia for ever stray'd.

These hosts of hell, all marshall'd in array,
Spread dire destructive rapine far around ;
Oppression, violence, and dread dismay,
And horrid cruelties and crimes abound.

A destin'd victim to vindictive rage,
Because to freedom a decided friend,
In honour's just support I dar'd engage,
My injur'd King and Country to defend.

O'erpower'd by ruffian multitudes, and thrown
In dungeons dark, with massy chains secur'd,
For eighteen months on mouldy bread alone
And water, thus protracted life endured. (1)

Despoil'd and plunder'd, basely robb'd of all,
Languid and fainting in a dreary cell, (2)
Nor help nor comfort left within my call;
No tongue their shocking cruelties can tell.

ELEGY VII.

VICTORY AND CONQUEST.

At length from these barbarians convey'd,
In perils dire, and horrid deaths around,
Soon I return'd, in glitt'ring arms array'd,
With warriors brave their demagogues surround.

Of chosen heroes a selected band,
Bold and invincible, in battle strong,
To me was granted the entire command;
The post of honour did to us belong. (3)

Nor

Nor force control, nor ramparts could repel,
Our dauntless heroes every danger dar'd;
Far distant provinces, with swelling sail
We reach'd and seiz'd before they were prepar'd.

'Twas then ..... but how the shocking tale disclose?...
A tale to me so overcharg'd with woe!—
Spent with fatigue I went to seek repose
In a sequester'd spot secure from foe.

A fair but fainting beauty there I found;
The rosy blush reveal'd her soft alarms.
I gently rais'd my Emma from the ground;
"Thank heaven!" she said, and sank within my arms.

My long lost Emma! It indeed was she,
A victim fall'n to disappointed love;
From tyranny pale death has set her free,
And sent her to her sister saints above.

Too great a shock for nature to sustain!
With agonising woe my heart was torn...!
Come! welcome death! relieve my cruel pain,
This load of life's too grievous to be borne!

ELEGY VIII.

THE SACRIFICE.

In vain I courted death through all the war,
Although my blood the rage of battle shed;
For Fate in cruelty my life would spare,
And, 'stead of friendly death, to triumph led.

With victory our arms were ever paid;
Revolted hosts shrunk back appall'd with fear:
But honour's cause by traitors was betray'd,
And all her sons abandon'd to despair.

The sons of honour, and of freedom fair,
Were sacrific'd to their most deadly foes; (†3)
Our fine possessions all sequester'd were,
And nothing left us,—but—our wrongs and woes.

Ill-fated exiles from our lov'd retreats,
Death would have ease and satisfaction given;
From pleasant bowers, our once delightful seats,
By black but fortunate rebellion driven.

A wanderer now, in sorrow and forlorn,
Proscrib'd by fatal faction's vengeful sword,
From every blessing, every comfort torn,
Nor friends nor fortune could my fate afford.

Ungenerous country!—Ill hast thou repaid
The blood I've lost, the toils I've undergone,
The mighty sacrifices I have made,
The many services that I have done. (4)

Oh,

Oh, Albion!—How ungrateful hast thou prov'd
To thy most loyal sons that bled for thee!
That more thy good than life and fortune lov'd,
The right of mankind,—public liberty. (4)

Whilst lavishly thy favours are bestow'd
On those that shed thy dearest, purest blood; (5)
To such thy wealth and honours are allow'd,
Who never priz'd nor aim'd at public good. (6)

ELEGY IX.

THE HURRICANE.

Unto the Indies next I shap'd my way,
Where flaming Sol pours down his ardent beams;
There too I found hard Fortune's cruel sway
Rush on my head in overwhelming streams. (7)

The elements in dread contention rise
In horrid war against the human race;
Lightning and tempest thunder through the skies,
And winds and waves creation's form deface.

The earth itself e'en to the centre shakes, (8)
And dreadful torrents mighty ruin pour;
Involv'd in flames and clouds of sulphur, quakes
With fatal, hideous, universal roar.

On my devoted head their fury pour'd, (9)
With sickness sad, and palid dire disease;
All this in patient suffering I endur'd, (10)
And left that land estrang'd from health and ease.

Each evil brooding malice could invent,
Or human victim innocently bear;
Each fell malignant measure to torment,
Every infernal and insidious snare: (11)

All have I suffer'd, guiltless too endur'd,
Contending strong against oppressive fate;
But innocence and honour still secur'd
Integrity of heart a tranquil state. (12)

O'erwhelm'd with woe, afflicted and betray'd,
Exil'd, proscrib'd, and even hope deny'd,
My mind has peace by conscience' heavenly aid;
Thus friends and fortune amply are supplied. (13)

ELEGY X.

INVOCATION TO FORTUNE.

Oh, cruel Fortune! when wilt thou relent,
And turn thy rage from our devoted race? (14)
Our num'rous victims wilt thou not repent,
When in our blood our fatal dooms you trace?

Illustrious

Illustrious Guise! In war of high renown,
For wisdom, worth, and gen'rous valour known,
Was sacrific'd by him that wore the crown; (15)
A crown he often might have made his own. (A)

Th' accomplish'd Mary felt thy ruthless power,
For eighteen years in cruel durance held;
And then was murder'd in an evil hour, (B)
Because her charms a rival queen's excell'd.

Henry of Gaul, the hero and the king,
As good and great as ever sceptre sway'd,
Was stabb'd by Ravilliac the assassin;—
Thus for his virtues rare was he betray'd. (C)

His lovely daughter, Albion's hapless queen,
By sleepy potion was depriv'd of life: (D)
And her Eliza, only bare fifteen,
A victim fell to black rebellious strife. (E)

Of ancestors the Stuart's honour'd line,
Illustrious both in merit and mischance,
The royal James's, glorious in design,
Their talents did their ruin but advance. (F)

John, who to please his nobles chang'd his name,
Thinking to turn the fix'd decrees of fate,
Yet found his fatal destiny the same, (G)
No human power its rigour could abate.

The royal Henry, beauteous Mary's spouse,
Sov'reign of Scotia's ancient fair domain,
By blood allied, as well as nuptial vows,
In early youth was traitorously slain. (H)

The

The Thane of Lennox, Henry's noble sire,
His merit high, illustrious his descent,
Fell by the rage of faction's furious ire, (I)
And no exertions could his fate prevent. (J)

Young Henry, Cambria's accomplish'd prince,
The fondest hope of Albion's glorious throne,
By poison keen was early snatch'd from hence; (K)
A loss our country ever must bemoan.

Bohemia's queen a sacrifice became,
Another instance of thy adverse power;— (L)
Oh, cruel Fortune!—Fatal to our name! (M)
A name now fallen like a drooping flower!—

On Charles too thy vengeance must be hurl'd;
Charles, the martyr'd hero, brave and good,
His life must yield before th'astonish'd world,
And heal his subjects' frenzy with his blood. (16)

His children then through foreign lands must stray,
Nor house nor home nor country could they boast;
And when restor'd, the second Charles did sway,
By deadly dose he life and sceptre lost. (N)

His sister Orleans, beautiful and gay,
A victim fell to her superior charms,
And unsuspecting, in the face of day,
Lamented sunk in her attendants' arms. (O)

ELEGY XI.

DESTINY.

And gallant Monmouth on the scaffold bleeds,
Humane his heart, as mighty Cæsar brave ; (P)
The sanguinary axe on him succeeds ; (Q)
Not universal love his life could save.

But in a glorious cause the hero fell ;
The public good of Britain and mankind : (R)
Honour and freedom sound his funeral knell,
And an avenger follows fast behind. (S)

His cruel fate fair Wentworth overpower'd,
His best belov'd, accomplish'd, lovely wife ;
In nine sad months by grief she was devour'd ;—
In bloom of beauty she resign'd her life. (T)

His wife indeed she was, but not in law, (V)
Though hearts and hands the nuptial rites fulfill'd ; (U)
For soon, alas ! their helpless offspring saw
Her lands and honours all by aliens held. (W)

But Monmouth's faithful friend this child secur'd,
And carried to the capital of Gaul ; (X)
Bequeath'd him all the wealth he had procur'd,
And by his name he did the orphan call. (Y)

Thy rage, Oh, Fate ! this hapless son pursued,
Through every ill, captivity and death ; (Z)
My father's blood thy ruthless hands embrued,
The name and honours fled like fleeting breath. (17)

Most honour'd parent! cruel was thy doom,
Upright thy heart, integrity thy soul;
One struggle from the cradle to the tomb;
Nor could the power of Fate thy fortitude controul.

An infant, left without a parent's care, (18)
Or friendly guide to point the pathless way,
With passions strong at war with virtue fair,
Strongly contending which should bear the sway.

But steady virtue still would lead the way,
Though passions pow'rful would too often rule,
And their influence frequently display,
'Till better taught in sad misfortune's school.

This feeling heart, humane in the extreme,
Dissolves in tender sympathy with woe,
And, as alive to rapture's radiant beam,
For others' good sweet tears of pleasure flow.

Melting affection, most sincere and strong,
For lovely woman ever mark'd my mind;
Tender attachments exquisite and long,
And never found the charming sex unkind.

But war, the bane and fatal scourge of power,
Affection's bonds with frowning fury rends,
And fathers, husbands, lovers, in an hour,
Are torn asunder from their dearest friends;

Are torn asunder, never more to join,
The mighty bed of honour swallows all:
Wretched survivors, left but to repine,
Lament and grieve at their untimely fall.

Untimely

Untimely fall!—Alas! when is the time
For fathers, husbands, lovers too to die?
At what fix'd period,—in what chosen clime,—
Can we resign such friends without a sigh?—

The time most surely is when heaven decrees;—
The place the field of glory far the best;— (19)
The manner that which Providence may please;—
And the best tomb is the survivor's breast.

ELEGY XII.

FORTITUDE.

Dominion, high command, and splendour, gone;
Glory and wealth and crowns and sceptres fled;
Our race reproach'd for adverse fate alone,
Although our lives with honour we have led.

That Stuarts sought for arbitrary rule.
Perish the thought!—as false as ill-design'd;— (20)
Excepting bigot James, religion's tool,
Whose sanguinary zeal debas'd his mind.

Too brave, too well-inform'd, for such a part,
Strong were their talents, as their judgments sound;
Pure *Amor Patriæ* possess'd each heart,
Their native land their true affections found.

But

But sycophants in every age abound ; (21)
Time-serving reptiles, cringing, mean, and base,
That scandal's brazen trump delight to sound,
For hire against their native royal race. (22)

A race mark'd out to bear the storms of fate,
Through ages thus oppress'd by her to groan,
Crush'd by hard fortune's overpow'ring weight,
'Tis mine with them to join my mournful moan.

Who could five brothers' wayward fates foretell ?
Like budding blossoms blasted in their bloom ?
In different, distant, hostile lands they fell,
And dauntless dar'd advance to meet their doom.

Oh, happy youths !—How I've envied your fate,
Snatch'd from a world of wickedness and woe ;
'Gainst you all hostile evil came too late,
Glory, your friend, had vanquish'd every foe.

For you are open'd the celestial gates,
Glory, your friend, prepares the brightest heaven,
And with ten thousand angels there awaits
To hail you, blessed youths ! as saints forgiven.

'Midst sylvan wrecks, like one tree left, I stand,
To storms expos'd, by furious tempests torn,
And branches broken by each passing hand,
Distress'd, oppress'd, unheeded, and forlorn.

Despoil'd of all !—Oh, may not that suffice ?
Can cruel destiny yet more desire ?
Obscure, my humble station can't entice
The shafts of envy, or vindictive ire.

Immur'd in prisons, harrass'd out with wrongs,
With pallid sickness long afflicted sore ;
And various evils crowding on in throngs,
That with keen cutting anguish wound the more.

Yet in strict temperance I pass my time,
The chrystal flood my chosen constant drink ;
As plain my food ; the same in every clime,
Nor ever plung'd o'er dissipation's brink.

Nor games of chance did ever I pursue ;
All gain thus got my soul indeed despis'd ;
Justly I ever render'd each his due,
And none by me were ever ill-advis'd.

ELEGY XIII.

GUILT AND SUCCESS.

'MOURN, wretched Gallia, scorn'd, abhorr'd, despis'd,
Blush at the deeds your hated shores proclaim ;
Deeds that the blackest bosom e'er devis'd ;—
Deeds that must ever—ever blast thy fame. (23)

Was't not enough thy virtuous sov'reign bled ? (24)
Was't not enough his widow'd queen ye slew ? (25)
Nor yet enough to heaven their offspring sped,
And in the orphan's blood your guilty hands embrue ? (26)

The meek Elizabeth, revil'd, oppress'd, (27)
Bow'd to her fate and fell beneath your power :
Their woes still live to agonize the breast,
And call for retribution's vengeful hour.

Detested Orleans unpitied fell,
By vile intrigue a traitor to his king,
Excited the blind rabble to rebel. (28)
May crimes like his such judgments ever bring !—

Another victim dies of Stuart race ;— (29)
Still with dismay thy crimes appall'd we view,
Tyrant abhorr'd ! Of man the foul disgrace,
Vengeance, with eyes of fire, shall thee pursue !—

And honour'd Brunswick, glorious in his fall,
Though pain and sorrow mark'd his dismal doom, (29*)
Still venerated and belov'd by all,
Except the brutal tyrant who refus'd his corpse a tomb. (29†)

Monster !—Too late shalt thou thy deeds bewail,
And mourn th' ambition which thou would'st not quell !
What horrors must thy trembling soul assail ! (30)
Thy guilty conscience is a local hell.' (31)

How mean is empire ! How despis'd is power !
How hated—how contemptible success ! (32)
Kings, dukes, and emperors, in evil hour (33)
When rais'd on guilt than honest slaves are less. (34)

The lowest menials now on thrones are plac'd ; (35)
Felons and murderers grand dukes are made ; (36)
With tinsel crowns and bauble sceptres grac'd,
And every vice and crime such titles to degrade.

Debauch'd

Debauch'd apostate priests are princes nam'd : (37)
And vilest prostitutes empress and queen : (38)
The greatest guilt for highest titles fam'd.
No worth nor virtue is among them seen.

Honour so prostituted—fallen in name,—
Degrades—not raises—those on whom bestow'd,
On murderers and felons past all shame :—
Or crimes, or titles,—which the basest load ?

Legion of Honour !!!——Oh, Virtue ! what disgrace !
Legion of Infamy the proper name, (39)
The foullest, blackest actions to efface,
Which e'en their mockery titles must proclaim. (40)

Sovereigns of Europe !—what are you become ?—
To guilt and tyranny your heads you bow :
Slaves of a slave,—e'en in his presence dumb, (40*)
No act of meanness can degrade you now.

Ambitious to bear part in every crime
That e'er disgrac'd the basest blackest heart ;
Your names abhorr'd e'en to the end of time,
For crouching to the traitor Buonaparte.

Your blood contaminated, sunk, debas'd
Beneath the meanest mendicant so base,
Your infamy can never be eras'd,
By mixing with the Corsican's vile race.

Your daughters violated —'gainst their will,
Your sons degraded much 'gainst their consent :
Such marriages are prostitution still,
And not more hateful than the base event. (40†)

Legion

Legion of Honour !!——Oh, name of foul disgrace! (41)
The despot's infamy you're proud to share;
Members thereof you each *strut* in your place;
With thieves and assassins you now compare.

E'en Austria's monarch, once for honour fam'd,
Humbled by superstition's dang'rous wiles, (41*)
And Alexander— *PARVUS* justly nam'd, (41†)
By mean submission court the tyrant's smiles.

Yet far above such infamous disgrace,
Braganza's royal house their crimes abhor;
Alike despise his favour and menace,
And Europe's wretched sovereigns deplore. (42)

Noble Hispania now delug'd in blood,
Sack'd, plunder'd, murder'd, all without pretence;
Your streets still flowing with the purple flood
Of your true patriots and men of sense,
Women and helpless babes without the least defence.

Your lawful sovereign in the tyrant's toils;—
His wretched race immur'd by his command.—
A LESSON THIS, TO TRUST TH' USURPER'S SMILES !! (42*)
For never—never more they'll see their native land.

How short the distance from a throne to death!
Quick the transition to the darksome grave!
His power once ended—life is but a breath:—
No mean submission could from ruin save.—

The glorious royal Swede, free from the stain, (43)
Though all are leagued to force him to obey,
And the Supreme of Ocean's wide domain, (44)
Defy and spurn the murderous tyrant's sway.

ELEGY XIV.

PROVIDENCE AND PROTECTION.

With ardent zeal, again, at her command,
To serve my country as I did before,
Our gallant fleet, so glorious and so grand,
The raging ocean dash'd upon the shore. (45)

Two thousand warriors found a wat'ry grave,
In two short hours their lives were swept away;
Three thousand more besides no skill could save, (46)
Tremendous billows bore resistless sway.

Amidst such havoc, ne'er beheld before,
Though three times shipwreck'd, still our lives we save:
Alas! too soon we reach'd the fatal shore,
Where dreadful death swept thousands to the grave.

A fev'rish clime, more fatal still than war,
Cut off twelve thousand of our bravest men;
Than cannon, sword, or bayonet, by far
More horrible than any numbers slain.

This dread mortality, this fell disease,
I had the high felicity to end, (47)
Arrest its progress, and cause it to cease;
By science thus my country to befriend.—

Belov'd Eunicé, charming, good, and kind,
'Mild as the musings of a saint forgiven,'
Tempting as Venus, with the purest mind,
'Bright as the opening gleams of promis'd heaven;'

Chaste as Diana, and as Flora fair,
Voluptuous pleasures dwell within her arms,
As Juno graceful, and, what's still most rare,
Alone unconscious of this heaven of charms.

Without complaining, and with gladsome heart,
She shar'd my toils, my dangers, and my care:
Still ease and cheerfulness she does impart,
And none with her in beauty can compare.

Twice did this malady upon us seize,
Both in the Indies and Columbia's land
Were we attacked by this dire disease,
Where thousands fell, yet we were left to stand. (**)

ELEGY XV.

RESIGNATION AND GRATITUDE.

Must thou, Oh, Fate! pursue us unto death?
Still hostile, must thou never—never spare
Thy destin'd victim to my latest breath,
Entrapp'd in every guile-invented snare?

If heaven in love does chasten human kind,
As in the sacred records we must see,
(Fatal affection! Kindness too refin'd!)
A highly favour'd race we needs must be.

On

On God with confidence I've still relied;
Of all that's dear and priz'd I'm not bereft,
Though power and riches are to me denied,
Friendship and love and peace of mind are left.

For ever gracious, bountiful, and kind,
Heaven still preserv'd some precious gifts in store,
Content, the healing balsam of the mind,
The sovereign remedy for every sore.

To this a tender faithful friend is join'd,
Whose feeling heart still softens all my care:
Sceptres and crowns by these are left behind,
Such blessings seldom fall to monarchs' share.

With patience, gratitude, and heart resign'd,
For each degree of destiny prepare
Some heavenly minds and angel forms combin'd,
To sweeten life, of God the gift and care.

For three dear cherubs, snatch'd to heaven before, (48)
Or grief, or gladness, which should most prevail?
Yet three are left, their comforts to restore, (49)
Counsel and aid, when age and ills assail.—

Pale wan consumption seiz'd upon my frame,
Prey'd on my vitals, wasted to the bone;
Of life itself was scarcely left the name,
Torture of all sensations felt alone.

Nor did a single ray of hope remain;
Existence worse than death I dragg'd along:
Thus two long years in dolour and in pain,
My anxious lovely wife and helpless babes among.

A long

A long and last farewell each day we took,—
The mighty debt of nature must be paid,
All aid but heavenly now had us forsook,
Nor for the shortest time could my sad doom be stay'd.

Each parting look sent anguish to my soul,
And equal pangs to their poor hearts convey'd,
All far beyond the strictest mind's controul;
For death approach'd, in frowning pomp array'd,
Nor could the fatal stroke from his uplifted arm be stay'd.

What now avails to us our boasted blood?
No helping hand our infants to befriend;
Their widow'd mother no support allow'd;
With my poor life all hopes and comforts end.

Oh, think! how deeply such reflections wound!
How tear the heart! how harrow up the soul!....
In the Most High alone I comfort found,
More than in human power from pole to pole;
For even Fate itself is under His controul!

But, Oh! what gratitude to heaven I owe!
For ever gracious, bountiful, and kind,
Th' Omnipotent did longer life bestow,
All for the sake of those I'd left behind.

E'en like enchantment, rais'd by power divine, (***)
To my worn frame both health and strength return:
Though no afflictions sure could equal mine,
To the Most High with grateful love I burn.

I said that no distress could equal mine,
With too much truth, indeed, I might say so,
While harsh disease my family confine,
Just then from them I was compell'd to go.

Ruin and death my helpless house pursue,
Ruin brought on by wretches past all shame,
By perjury, where gratitude was due,
For benefits bestow'd, both health and fame, (49*)
Instead of malice vile, and crimes too black to name.

A blessed friend was sent by heaven to save
Me from impending ruin just in time : (††)
But death a victim carried to the grave
A lovely infant guiltless of all crime.

Oh, dear sweet innocent! how hard thy fate!
Tortures and misery thy wretched lot!
Nor prayers nor tears thy sufferings could abate :
Can innocence by heaven be forgot?

Still conscience, smiling at her stern commands,
Firmly awaits each direful stroke of Fate,
Unmov'd amidst dread desolation stands ;
Such strong support can never come too late.

For, at the lowest turn of Fortune's wheel,
No act of meanness e'er disgrac'd my name ;
No deed yet caus'd my mind a pang to feel,
Or that, if publish'd, could occasion shame.

When most distress'd, my soul still soar'd on high,
Oppression never could debase my mind,
A spirit to support me still was nigh,
And firmest was when Fate was most unkind.

ELEGY XVI.

HOPE.

The bigot branch is now extinct become
In Henry—York the pious Cardinal,
Who, though not murder'd, plunder'd was at Rome,
By that fell tyrant who destroys all.

Sardinian line—Emanuel—his heir—
No kind of right to Britain's throne have they:
Though Charles's son his brother would not spare, (50)
His offspring have surviv'd th' usurper's sway.

Royal Buccleugh, no spurious race is he,
No declaration can the fact suppress; (51)
To Charles espous'd, his ancestor was she,
In Cambria's land, and in Cologne no less:

And there as queen was serv'd upon the knee,
Acknowledg'd such in midst of his distress;
Basely betray'd though dearly lov'd was she: (52)
Thus did state policy the truth suppress.

Even the priest, who did the rites perform,
Promoted was the secret to conceal;
And sat a bishop snug through all the storm,
Did only to a few the fact reveal.—

All hail! Oh House, thus borne down by Fate!
All hail! Oh Race, that's all but honour lost!
All hail! Oh House, e'en in misfortunes great,
That virtue, worth, and honour still can boast!

The tide may turn, for PROVIDENCE is just,
And you may yet rise high in every land;
Prov'd by your sufferings still more worthy trust,
And most deserving nations to command.

NOTES.

ELEGY VI.

(1) A PRISONER to the rebels in America, in the New or State Prison in Philadelphia, in the years 1775, 1776, and part of 1777. See Smyth's Tour in the United States of America, Vol. II. p. 188, to the end of the volume, wherein it is fully related.

(2) Their treatment was most cruel and barbarous; and they refused to exchange him.

ELEGY VII.

(3) The fine corps of Royal Hunters, consisting of three troops mounted and two dismounted, attached to and incorporated in that very gallant and most distinguished regiment, the Queen's Rangers, in which, at the battle of Brandywine, the return of killed and wounded, of commissioned officers only, were 28, out of 32 the whole number including all the staff; and yet this brave corps kept their ground, and were always placed in the post of honour (that is, of danger), being advanced next the enemy and in the front of the battle.

ELEGY VIII.

(†3) The most zealous and active Loyalists were given up, both their persons and property, to the Americans, as the price of peace, to the everlasting disgrace of this country.

(4) While I, and several other meritorious friends of Great Britain, have met with not only neglect, but injustice and oppression, (5) Brig. Gen. Arnold, an American, Andrew Allan, and Joseph Galloway, members of the American Congress, *cum multis aliis* of guilty traitors, have been rewarded with rank and riches! And it is remarkable, (6) that this has been the case in all public troubles,—the most worthy have been neglected, and the most guilty rewarded, on the principle of *buying off your enemies, for you are sure of your friends.*

ELEGY IX.

(7) Jamaica. (8) The most dreadful hurricane there, accompanied with an earthquake; at Kingston, in particular, and all over the island, on the 26th of September, 1785. (9) Being out in the hurricane, but his life was preserved, although out of eighteen persons he dined with on that day, fifteen of them lost their lives before midnight.

(10) A most severe illness, generally fatal in that country, now called the *yellow fever*, which has of late proved so destructive to our troops as well as all ranks of the inhabitants; excepting the negroes, who have escaped, although much more nasty and filthy,

both in their persons and habitations than the whites; which proves that the disease has no been produced by want of cleanliness, as has been asserted.

(11) A series of the most shocking ill treatment and dreadfully horrid barbarities, in the Sheriff's Ward of Devon, a prison for debtors, where he was carried on his landing at Plymouth from the W. Indies, by a mistaken, groundless and false arrest; yet he was confined there in 1786 and 1787,—suffering cruelties disgraceful even to humanity; where every exertion for relief and redress proved fruitless and ineffectual; (by which he lost the collectorship of Kingston in Jamaica, worth £5,000 a year, which Mr. Davidson had resigned in his favour): (12) yet innocence and integrity of heart enabled him to support all these sufferings almost too great for human nature to undergo.

(13) Nothing can enable an ill-fated Loyalist to bear all the frowns and buffetings of continued ill fortune and cruel oppression, equal to the support of a good conscience—an upright heart—always actuated with the best intentions; and in all this he was never impeached, or even suspected.

ELEGY X.

(14) No family upon earth has been so peculiarly unfortunate, through many generations, as the House of Stuart.

(15) The great Claudius, Duke of Guise, in France, brave and generous beyond any of the age, or perhaps any other age, was basely and treacherously assassinated, by order of Henry III. of France, whom he could very (A) often and very easily have dethroned. Henry wrote for him to come to court, giving him the strongest assurances of gratitude, favour, and friendship; and, after caressing and paying him the greatest respect and honour, had assassins ready to murder him, which they did in the antichamber, as he retired from the royal presence.——☞ He was grandfather of Mary, Queen of Scotland.

(B) Mary Stuart, Queen of Scots, the most accomplished and beautiful woman of the age, after being invited very affectionately by her cousin, Queen Elizabeth, into England, for refuge from her rebellious subjects, was treacherously confined in Fotheringay Castle during eighteen years, and then was basely and most cruelly murdered by her order, with the insulting mockery of a sham trial, although she was also an independent sovereign as well as herself; and, besides that, her nearest relation by blood, and heiress to the crown of England.

(C) Henry IV. of France, usually called the Great, on account of his very extraordinary benevolence as well as bravery while King of Navarre, and also when King of France, was murdered in his coach by the assassin Raviliac.—Henry was equally remarkable for his gallantry as his heroism.——His youngest daughter, Henrietta Maria, was married to the unfortunate King Charles I. of England.

(D) Henrietta Maria, widow of King Charles I, and Queen Dowager of England, was poisoned by too powerful an opiate administered to her during a slight indisposition in Paris;—she never spoke more.

(E) Her daughter, Princess Elizabeth Stuart, was confined in Carisbrook Castle, in the Isle of Wight, when her father Charles I. was executed, and died there of grief, when she heard of his shocking fate.

(F) James I, II, III, IV, and V, of Scotland, were all either killed in battle, or came to untimely ends, by supporting the liberties of the people and the rights of the crown against the encroaching and enormous power of the nobles. James VI. of Scotland and I. of England.

land, was poisoned by the Duke of Buckingham, which event was brought before the Parliament two years after. And James, Duke of York, afterwards king, laid the firmest foundation of the power and glory of the royal navy of Great Britain, and also the great improvement of naval tactics, by the invention of signals.

(G) John Stuart, when he came to the throne, at the earnest intreaty of the superstitious nobles, in those days of darkness and credulity, changed his name to Robert III, because the name of John had been unfortunate upon both the thrones of Scotland and England ;—but he was no less so ; and at length died of grief at the undutiful conduct of his children.

(H) Henry Stuart, Lord Darnley, the handsomest man in Europe, King of Scotland by espousing his cousin and nearest relation Queen Mary Stuart, to whom he was also next heir, was most barbarously murdered by the turbulent lords regents Murray and Morton, in about two years after his marriage with Queen Mary. He was father of James I. of England, and was son of Matthew Stuart, Earl of Lennox, Regent of Scotland, (I) who was basely murdered by Bell and Chandler, after his defeat by and surrender to D. Spence, then at the head of a rebellious faction ; (J) and D. Spence himself was also slain in endeavouring to protect and defend him.

(K) Henry Stuart, Prince of Wales, eldest son of King James I, the most promising and accomplished prince in Europe, certainly was poisoned at 19 years of age by Ker, Duke of Somerset, his father's favourite. This man was remarkably expert in this infamous practice, and after this was tried and found guilty of poisoning Sir Thomas Overbury in the Tower of London.

(L) Princess Elizabeth Stuart, daughter of King James I. and VI, was espoused to Frederick Elector Palatine, elected King of Bohemia, who not only lost his kingdom, but was also driven from his hereditary dominions ; and his queen and children were reduced to the greatest distress, and at length supported entirely by her father, King James.

(M) The name of Stuart no longer fills the throne of Great Britain, but a descendant of a distant female branch of that illustrious house, *viz.* the above-mentioned Elizabeth Stuart, Queen of Bohemia.——Every branch of the family of Stuart has, by some singular fatality, lost or changed the name, *viz.* Scot of Buccleugh, and of Deloraine, Wentworth Smyth (Stuart) father of Ferdinand Smyth Stuart, Lennox of Richmond, Fitzroy of Grafton and of Southampton, Beauclerk of St. Albans, Fitz-James of Berwick, and the abdicated James and Duke of Albany being now extinct, and the female branches not retaining the name ; in which, however, are included all the present lawful sovereigns of Europe, and some of the first families of Germany, France, and Spain, as well as of Great Britain and Ireland.

(16) The death and murder of King Charles I. by his rebellious subjects and the usurping tyrant, Oliver Cromwell, is universally known.

(N) King Charles II, after several hair-breadth escapes from assassination, just as he had resolved and was upon the point of recalling the Duke of Monmouth and acknowledging his legitimacy, was poisoned by the opposite faction that supported the pretensions of his brother, James Duke of York, who it is believed was privy to this base murder, and thereby obtained the crown.

(O) Henrietta Maria Stuart, Duchess of Orleans, from whom are descended the royal families of France, Spain, Sardinia, Austria, &c. &c. was extremely witty, lively, beautiful and accomplished, being not only her brother Charles II's favourite, but was beloved by every one who knew her, fell a sacrifice to the jealousy of her husband the

Duke

Duke of Orleans, who, suspecting a criminal intercourse between her and his brother the King of France, caused her to be poisoned in a glass of succary water at five o'clock in the afternoon, when she died almost instantly.

ELEGY XI.

(P) James, Duke of Monmouth, son of King Charles II. by Lucy Walters or Barlow, daughter of Sir Richard Walters, of Haverford West, Pembrokeshire, to whom he was married, both at her father's house and afterwards at Cologne in Germany. She was there acknowledged as queen, and served upon the knee, &c.; but state policy induced him to marry the Infanta of Portugal afterwards, and to conceal this marriage; a circumstance that embittered Charles's whole life, and at length caused his death, as has been related in note (N). The Duke of Monmouth's heroic bravery always, and particularly at the siege of Maestricht, is beyond any example in history; and his humanity was equal to his excessive courage, and acknowledged by all.—As his conduct at Maestricht is but little known, we shall just relate the heads of it, *viz.* "After gaining the counterscarp and half-moon by storm, although most obstinately defended, and by several mines, a captain, an ensign, and sixty men blown up in the air; just as he was relieved by the lieutenant general of the day, the enemy made a furious sally, after blowing up a dreadful mine, and not only drove them from the half-moon, but from the counterscarp also; whereupon the undaunted Monmouth, unwilling to lose what he had but the day before purchased with so much hazard and honour, with unexampled courage, accompanied only by twelve English volunteers, leaped over the trench, and through showers of balls from every side, marched with incredible speed and resolution towards the half-moon, passing through a sally port of the enemy's, and so all along within twenty yards of their pallisadoes. He met the soldiers flying, unable to bear the violence of the attack any longer, but he inspired them with new valour, and rallying them, attacked the enemy with such irresistible fury, that he soon made himself master of the half-moon a second time, the Duke himself being the first that entered it."

(Q) He was beheaded, with six strokes of the axe, and circumstances of extreme cruelty, by order of his uncle James, without a trial.

(R) He was supporter of the protestant interest and religion, and in that cause was sacrificed. For public constitutional liberty he fought and died.—— ☞ The following declaration will ascertain whether the Stuarts (for the Duke of Monmouth was a true Stuart) were addicted to arbitrary rule or despotic government:

"*The Declaration of James, Duke of Monmouth, and the Noblemen, Gentlemen, and others, now in Arms, for Defence and Vindication of the Protestant Religion, and the Laws, Rights and Privileges of England, from the Invasion made upon them: and for delivering the Kingdom from the Usurpation and Tyranny of James, Duke of York.*

As government was originally instituted by God, and this or that form of it chosen and submitted to by men, for the peace, happiness, and security of the governed, and not for the private interest and personal greatness of those that rule: so that government hath been always esteemed the best where the supreme magistrates have been vested with all the power and prerogatives that might capacitate them, not only to preserve the people from violence and oppression, but to promote their prosperity; and yet where nothing was

was to belong to them by the rules of the constitution, that might enable them to injure and oppress them.

And it hath been the glory of England, above most other nations, that the prince had all entrusted with him that was necessary, either for advancing the welfare of the people or for his own protection in the discharge of his office, and withal stood so limited and restrained by the fundamental terms of the constitution, that without a violation of his own oath, as well as the rules and measures of the government, he could do them no hurt, nor exercise any act of authority, but through the administration of such hands as stood obnoxious to be punished in case they transgressed. So that, according to the primitive frame of the government, the prerogatives of the crown, and privileges of the subject, were so far from jostling one another, that the rights reserved unto the people tended to render the king honourable and great, and the prerogatives settled on the prince were in order to the subject's protection and safety.

But all human things being liable to perversion as well as decay, it hath been the fate of the English government to be often changed, and wrested from what it was in the first settlement and institution. And we are particularly compelled to say, that all the boundaries of the government have of late been broken, and nothing left unattempted for turning our limited monarchy into an absolute tyranny; for such have been the transactions of affairs within this nation for several years past, that though the protestant religion, and liberties of the people, were fenced and hedged about by as many laws as the wisdom of men could devise for their preservation against popery and arbitrary power, our religion hath been all along undermined by popish councils, and our privileges ravished from us by fraud and violence: and more especially, the whole course and series of the life of the present usurper hath been but one continued conspiracy against the reformed religion and rights of the nation.

For whosoever considers his contriving the burning of London; his instigating a confederacy with France, and a war with Holland; his fomenting the Popish Plot, and encouraging the murder of Sir Edmund Bury-Godfrey to stifle its discovery; his forging treason against protestants, and suborning witnesses to swear the patriots of our religion and liberties out of their lives; his hiring execrable villains to assassinate the late Earl of Essex, and causing several others to be clandestinely cut off in hopes to conceal it; his advising and procuring the prorogation and dissolution of parliaments, in order to prevent inquiry into his crimes, and that he might escape the justice of the nation: such can imagine nothing so black and horrid in itself, or so ruinous and destructive to religion and the kingdom, which we may not expect from him upon his having invaded the throne and usurped the title of a king. The very tyrannies which he hath exercised since he snatched the crown from his brother's head, do leave none under a possibility of flattering themselves with hopes of safety, either in their consciences, persons, or estates.

For in defiance of all the laws and statutes of the realm, made for the security of the reformed protestant religion, he not only began his usurpation and pretended reign with a barefaced avowing himself of the Romish religion, but hath called in multitudes of priests and Jesuits (for whom the law makes it treason to come into the kingdom), and hath empowered them to exercise their idolatries, and besides his being daily present at the worship of the mass, hath publicly assisted at the grossest fopperies of their superstition.

Nor hath he been more tender in trampling upon the laws which concern our properties, seeing by two proclamations (whereof the one requires the collecting of the customs, and the other the continuing that part of the excise which was to expire with the king's death)

he hath violently and against all the laws of the land, broken in upon our estates. Neither is it any extenuation of his usurpation and tyranny that he is countenanced in it by an extra-judicial opinion of seven or eight suborned and forsworn judges: that, rather declaring the greatness and extent of the conspiracy against our rights, and that there is no means left for our relief, but by force and arms. For, advancing those to the bench who were the scandal of the bar, and constituting those very men to declare the laws who were accused and branded in parliament for perverting them, we are precluded all hopes of redress in Westminster Hall; and through packing together by false returns, new illegal charters, and other corrupt means, a company of men which he intends to style a parliament, he doth at once deprive us of all expectation of succour where our ancestors were wont to find it, and hopes to render that which ought to be the people's fence against tyranny, and the conservators of their liberties, the means of subverting all our laws, and of establishing his arbitrariness and confirming our thraldom. So that, unless we could be contented to see the reformed protestant religion, and such as profess it, extirpated, popish superstition and idolatry established, the laws of the land trampled under foot, the liberties and rights of the English people subverted, all that is sacred and civil, or of regard amongst men of piety or virtue, violated, and an usurper tyrannising on the throne; and, unless we could be willing to be slaves as well as papists, and forget the example of our noble and generous ancestors, who conveyed our privileges to us at the expense of their blood and treasure; and withal be unmindful of our duty to God, our country, and posterity; deaf to the cries and groans of our oppressed friends, and be satisfied not only to see them and ourselves imprisoned, robbed, and murdered, but the protestant interest throughout the whole world betrayed to France and Rome, we are bound as men and Christians, and that in discharge of our duty to God and our country, and for satisfaction of the expectations of the protestant nations round about us, to betake ourselves to arms; which we call heaven and earth to witness, we should not have done, had not the malice of our enemies deprived us of all other means of redress, and were not the miseries we already feel, and those which do further threaten us, worse than the calamities of war.

And it is not for any personal injuries or private discontents, nor in pursuance of any corrupt interest that we take our swords into our hands; but for vindicating our religion, laws, and rights, and rescuing our country from ruin and destruction, and for preserving ourselves, wives, and children, from bondage and idolatry; wherefore, before God, angels, and men, we stand acquitted from, and do charge upon our enemies, all the slaughters and devastations that unavoidably accompany an intestine war.

Now therefore we do hereby solemnly declare and proclaim war against James Duke of York as a murderer, and an assassin of innocent men, a popish usurper of the crown, traitor to the nation, and tyrant over the people. And we would have none that appear under his banners to flatter themselves with expectation of forgiveness, it being our firm resolution to prosecute him and his adherents, without giving way to treaties or accommodations, until we have brought him and them to undergo what the rules of the constitution and the statutes of the realm, as well as what the laws of nature, Scripture, and nations, adjudge to be the punishment due to the enemies of God, mankind, their country, and all things that are honourable, virtuous, and good.

And though we cannot avoid being sensible, that too many have from cowardice, covetousness and ambition, co-operated to the subverting religion and enslaving their country: yet we would have none, from a despair of finding mercy, persevere in their crimes, nor continue to pursue the ruin of the kingdom; for we exclude none from the benefit of

repentance

repentance, that shall join with us in retrieving what they have been accessary to the loss of; nor do we design revenge upon any but the obstinate, and such as shall be found at this juncture, yielding aid and assistance to the said James Duke of York.

And that we may both govern ourselves in the pursuit of this glorious cause wherein we are engaged, and give encouragement to all that shall assist us in so righteous and necessary an undertaking; we do in the presence of the Lord who knows the secret of all hearts, and is the avenger of deceit and falshood, proclaim and publish what we aim at, and for the obtaining whereof we have both determined to venture, and are ready to lay down our lives. And though we are not come into the field to introduce anarchy and confusion, or for laying aside any essential part of the old English government; yet our purpose and resolutions are to reduce things to that temperament and balance, the future rulers may remain able to do all the good that can be either desired or expected from them; and that it may not be in their power to invade the rights, and infringe the liberties of the people.

And whereas our religion (the most valuable blessing we lay claim unto) hath been shaken by unjust laws, undermined by popish councils, and is now in danger to be subverted by a tyrannous and idolatrous usurper; we are, therefore, resolved to spend our blood for preserving it to ourselves and posterity: nor will we lay down our arms, till we see it established and secured, beyond all probability of being supplanted, and overthrown; and until all the penal laws against protestant dissenters be repealed, and legal provision made against their being disturbed by reason of their consciences, and for their enjoying an equal liberty with other protestants. And that the meekness and purity of our principles, and the moderation and righteousness of our ends may appear unto all men; we do declare, that we will not make war upon, or destroy any, for their religion, how false and erroneous soever: so that the very papists, provided they withdraw from the tents of our enemies, and be not found guilty of conspiring our destruction, or abettors of them that seek it, have nothing to fear or apprehend from us, except what may hinder their altering our laws, and endangering our persons, in the profession of the reformed doctrine, and exercise of our Christian worship.

Our resolution in the next place is, to maintain all the just rights and privileges of parliament, and to have parliaments annually chosen and held, and not prorogued, dissolved, or discontinued within the year, before petitions be first answered and grievances redressed.

And seeing many of the miseries under which the nation doth groan, arise from displacing such out of the number of judges, as would not for promoting popish and arbitrary designs, wrest and misapply the laws, and from constituting corrupt and mercenary men in their room, on purpose to stretch the laws beyond the reason and intention of them, and to declare that for law, which is not: we can neither with silence pass over the mentioning of them, nor should we have peace in ourselves, if we did not endeavour to prevent the like mischiefs in time to come. For by means of ill men's being advanced to the bench, and holding their places only *durante bene placito*, many persons have been condemned in exorbitant fines for no crimes, or for very small ones; many statutes made for the safety of the subject, particularly the Habeas Corpus Act, hath been wickedly eluded, to the oppression of innocent and loyal men; the popish lords that were impeached in parliament, for a most hellish conjuration, have to the subverting of the rights of the house of commons, and trampling on the jurisdiction of the house of lords, been discharged and set free; the imposing a malignant mayor, and sheriffs, upon the city of London by fraud and violence hath been justified, and those who in discharge of their duty opposed it, illegally prosecuted and

and arbitrarily punished; London, and other cities and corporations have been robbed of their charters, upon unrighteous judgments of pretended forfeitures; Sir Thomas Armstrong executed without being allowed the benefit of a trial; colonel Algernon Sidney condemned to die upon the deposition of one scandalous witness; and, that loyal and excellent person the late William Lord Russel, murdered for alledged crimes, in reference to which, if all had been truth that was sworn against him, yet there was nothing that, according to law, could have reached his life: wherefore we do upon the considerations aforesaid further declare, that we will have care taken for the future, for debarring ignorant, scandalous and mercenary men from the administration of justice, and that the judges shall hold their places by the ancient tenure of *quamdiu bene gesserint*, and do leave it to the wisdom of a parliament, to settle some way and method, for the approbation of such as shall be advanced to the degree and dignity of judges.

And forasmuch as the invasion made upon the rights of cities, boroughs, and towns coporate, in the seizure of their charters, whether by surrender, or upon pretence of forfeiture, hath been wholly arbitrary and illegal: we likewise therefore declare, that we will to our utmost endeavour, see them repossessed in whatsoever they formerly had, and could legally claim before the late usurpation upon them; and that we do esteem all judgments given against them, and all surrenders made by a corrupt and perjured party amongst themselves, null and void in law; and do hold and declare their old charters (notwithstanding the new ones lately granted) to be good and valid: and accordingly we do invite and encourage all honest burgesses and freemen to reassume the rights and privileges, which by virtue of the said old charters belonged to their several and respective corporations, and to deliver themselves from those court parasites, and instruments of tyranny set up to oppress them.

Moreover for restoring the kingdom to its primitive condition of freedom and safety: we will have the corporation and militia acts repealed, and all outlawries of treason against any person whatsoever upon the late pretended protestant plot reversed; and also all other outlawries, banishments, warrants, judgments, imprisonments, abjurations and proceedings against any other persons, upon any of the penal statutes made against protestant dissenters, reversed and made null and void; and we will have new laws enacted, for placing the election of sheriffs in the freeholders of the several counties; and for settling the militia in the respective sheriffs, and for preventing all military standing force, except what shall be raised and kept up by authority and consent of parliament.

And whereas several gentlemen and others, who have been worthy and zealous assertors of the protestant interest, and laws of the kingdom, are now in custody in divers prisons within the realm, upon most unjust accusations, pretences, proceedings, and judgments; we do hereby further declare their said imprisonments to be illegal, and that in case any violence shall be offered to them, or any of them, we will revenge it to the utmost, upon such of our enemies as shall fall into our hands.

And whereas the said James Duke of York, in order to the expediting the idolatrous and bloody designs of the papists, the gratifying his own boundless ambition after a crown, and to hinder inquiry into his assassination of Arthur Earl of Essex, hath poisoned the late king, and therein manifested his ingratitude, as well as cruelty to the world in murdering a brother, who had almost ruined himself to preserve and protect him from punishment: we do therefore further declare, that for the aforesaid villainous and unnatural crime, and other his crimes before mentioned, and in pursuance of the resolution of both houses of parliament,

parliament, who voted to revenge the king's death in case he came to any untimely end, we will prosecute the said James Duke of York, till we have brought him to suffer what the law adjudgeth to be the punishment of so execrable a fact. And in a more particular manner, his Grace the Duke of Monmouth, being deeply sensible of that barbarous and horrid parricide committed upon his father, doth resolve to pursue the said James Duke of York, as a mortal and bloody enemy, and will endeavour, as well with his own hand as by the assistance of his friends, and the law, to have justice executed upon him.

And forasmuch as the said James Duke of Monmouth, the now head and captain-general of the protestant forces of this kingdom assembled in pursuance of the ends aforesaid, hath been and still is believed to have a legitimate and legal right to the crowns of England, Scotland, France, and Ireland, with the dominions thereunto belonging, of which he doubts not in the least to give the world full satisfaction, notwithstanding the means used by the late king his father, upon popish motives, and at the instigation of the said James Duke of York, to weaken and obscure it; the said James Duke of Monmouth, from the generousness of his own nature, and the love he bears to these nations, (whose welfare and settlement he infinitely prefers to whatsoever may concern himself,) doth not at present insist upon his title, but leaves the determination thereof to the wisdom, justice, and authority of a parliament legally chosen and acting with freedom: and in the meantime doth promise and declare, by all that is sacred, that he will, in conjunction with the people of England, employ all the abilities bestowed upon him by God and nature for the re-establishment and preservation of the protestant reformed religion in these kingdoms, and for the restoring the subjects of the same to a free exercise thereof, in opposition to popery and the consequences of it, tyranny and slavery; to the obtaining of which ends, he doth hereby promise, and oblige himself, to the people of England, to consent unto, and to promote the passing into laws, all the methods aforesaid; that it may never more be in the power of any single person on the throne to deprive the subjects of their rights, or subvert the fundamental laws of the government designed for their preservation.

And whereas the nobility, gentry, and commons of Scotland, are now in arms upon the like motives and inducements that we are, and in prosecution of ends agreeable with ours; we do therefore approve the justice of their cause, commend their zeal and courage, expecting their and promising our assistance for carrying on that glorious work we are jointly engaged in.

Being obliged, for avoiding tediousness, to omit recounting many oppressions under which the kingdom hath groaned, and the giving a deduction of the several steps that have been taken for introducing and establishing of popery and tyranny, we think fit therefore to signify, both to our countrymen and foreigners, that we intend a larger manifesto and remonstrance of the grievances, persecutions, cruelties, and tyrannies we have of late lain under, and therein a more full and particular account of the unparalleled crimes of the present usurper.

And we make our appeal unto God, and all protestant kings, princes, states, and people, concerning the justice of our cause, and the necessity we are reduced unto, of having our recourse to arms. And as we do beseech, require, and adjure all sincere protestants, and true Englishmen, to be assisting to us against the enemies of the Gospel, rights of the nation, and liberties of mankind, so we are confident of obtaining the utmost aid and succour which they can yield us with their prayers, persons, and estates, for the dethroning the said tyrant and popish usurper.

Nor do we doubt being justified, countenanced, and assisted by all protestant kings,

princes, and commonwealths, who do either regard the Gospel of Jesus Christ or their own interest: and above all, our dependance and trust is upon the Lord of Hosts, in whose name we go forth, and to whom we commit our cause, and refer the decision betwixt us and our enemies in the day of battle."——☞ This is very valuable, scarce, and curious; but omitted in Mr. Fox's History of James II.

(S) William Prince of Orange, nephew and son-in-law to James, in three years afterwards dethroned him, and reigned as King William and Queen Mary:—evidently an avenger from heaven.

(T) No shadow of reflection is intended on the illustrious family of Buccleugh, to the heiress of which the Duke of Monmouth was married, (when only 15 years of age, by command of his father), who being then alive, his subsequent marriage with Lady Henrietta Maria Wentworth, Baroness of Nettlested, only daughter of Thomas Lord Wentworth, and grandchild and heiress of Thomas Earl of Cleveland, was considered as illegal, and the issue, R. Wentworth Smyth, consequently illegitimate. The Duke of Monmouth was beheaded on July 15, 1685; Lady H. M. Wentworth died of grief on the 23d of April following, and was buried at Teddington in Bedfordshire.

(V) See note T.

(U) The Duke of Monmouth, at his execution, desiring the sacrament, the two bishops that attended him refused it to him unless he would acknowledge that he had lived in sin and adultery with Lady Henrietta Maria Wentworth; but he declared he considered himself married to her before God and man, as his first marriage was before he was capable of making a choice, or of giving consent, &c. and, although very desirous of receiving it, he died without the sacrament rather than make that acknowledgment: (W) but her son being thus considered as illegitimate, her title and estate devolved to a female branch married to Lord Lovelace, and is now possessed by Thomas Noel Lord Viscount Wentworth, and this her only son (my father) would have been left entirely (X) destitute, had not a Colonel Smyth, a most affectionate and confidential friend of the Duke of Monmouth, who had been his aid-de-camp in Flanders in the service of France, taken him under his care and protection, and left him, with his name, his whole fortune in that country: there he was persuaded (conduct most unaccountable) to join the interest of the abdicated family, both in 1715 and 1745; and at the age of sixty-six married Maria Julia Dalziel, grand-daughter of General James Crofts natural son of the Duke of Monmouth by Eleanor, daughter of Sir Robert Needham of Lambeth, who, although only fifteen when she married, died first, *viz.* at eighteen; and my father lost his life soon after, leaving me a helpless orphan. Five sons by a former marriage were all killed; one in the cause of the abdicated family, and four in the service of our king and country, in which I have also suffered most severely.

(Z) He was most peculiarly unfortunate through life; being taken prisoner by the Turks, and carried to Constantinople; with a variety of adventures more extraordinary than any in romance, and was at last accidentally drowned at the age of seventy-two.

(17) It is rather remarkable, that King Charles I assumed the name of John Smith in 1623, when he travelled *incog.* to Madrid to see the Princess Royal or Infanta of Spain.

(18) Named after Prince Ferdinand of Brunswick, his godfather, at his serene highness's particular request to an elder brother by the first marriage, then his aid-de-camp, and soon afterwards killed along with Marshal Keith in Germany.

(19) Dying or being slain in battle is so called; the field of battle being always styled

styled the bed of honour. And what can be more truly honourable and glorious than to die in battle in the cause of our country? What can be more highly glorious than the death of the young hero, General Wolfe, on the plains of Abraham before Quebec?—of General Abererombie in Egypt?—of Lord Nelson at the battle of Trafalgar, and the many honoured heroes who fell by his side?——What can be greater than the death of Gustavus Adolphus of Sweden, and of Count Tilly of Germany?—*cum multis aliis.*

ELEGY XII.

(20) It is most certain, and well supported by the annals of history, that every sovereign of England, before the House of Stuart succeeded to the crown, was much more arbitrary in almost every act of their government than they.—James II of England was certainly a very brave man, and a great and heroic commander, especially at sea;—witness his gallant and glorious actions with the Dutch at the height of their grandeur and power. As inventor of signals, he may be justly considered as the founder of the superiority and mighty power of the British navy: but all his reputation, fame, and glory, was tarnished by his intemperate imprudent conduct and frantic zeal for the Roman Catholic religion, the cause of all his crimes and misfortunes.

(21) The infamous false historian Buchanan, hired by Queen Elizabeth of England to calumniate the memory of Queen Mary Stuart of Scots, as a palliation for murdering that most excellent, worthy, and unfortunate princess.—It has even become fashionable to libel and vilify the memory of James I, and style him a pedant, in ridicule of his learning, and a coward, on account of his love of peace, although universally acknowledged to be more learned than any of his time, and his personal courage was also indisputable.

(22) The contemptible recorder of ridiculous falsehoods, Bishop Burnet, is well known, whose malicious fictions are now reprobated and laughed at—*cum multis—multis aliis.*

ELEGY XIII.

(23) Above six millions of innocent and meritorious persons, men, women, and children, have been most barbarously murdered by the scum and dregs of the creation in the French Revolution, many hundreds being destroyed together, by burning, by drowning, by shooting with grape shot from cannon, and by the guillotine, and their skins were publicly tanned for shoes and boots: whole districts in France for hundreds of miles being entirely desolated.

(24) Louis XVI, King of France, descendant of Henrietta Maria, sister of King Charles (Stuart) II, was barbarously murdered by his subjects, (25) and his most unfortunate, beautiful, and virtuous, but calumniated Queen Maria Antoinetta also, sister to the Emperor of Germany, descended from Henrietta Maria Stuart of England, was likewise murdered with circumstances of the most horrid barbarity. (26) Their son the Dauphin, a boy, poor Louis XVII, was put into the hands of Simon, a shoemaker, by the detestable Convention of France, not only to degrade his person, but to destroy his faculties and life by compelling him to drink spirituous liquors, which soon ended his miserable existence; —horrible to relate, and still more so to reflect upon!

(27) Sister to the King, against whom they could not allege any crime, or shadow of crime, whatsoever, but the misfortune of being the King's sister;—and yet for this, and this alone she was beheaded!

(28) The Duke of Orleans, descended from the daughter of James I (Queen of Bohemia), first prince of the blood of France, after expending his immense fortune in exciting the rabble to dethrone their lawful and amiable sovereign, and paying court to them with the most contemptible meanness, was himself guillotined by them, and died unpitied and detested by all: his amiable excellent Duchess and children still survive, involved in the ruin of the family.

(29) The Duke d'Enghien, only son of the Duke of Bourbon, and grandson of the most excellent Prince of Condé, was seized by a band of Buonaparte's ruffians, by his order, in the principality of Baden in Germany, in violation of neutral territory and of every law, was dragged six hundred miles without being permitted to eat or sleep, and was carried into a wood upon his own estate in France, at midnight, and there shot by his ruffian guard. A most foul and detestable murder! He was descended from the Stuarts, *viz.* Princess Elizabeth, daughter of James I.

(29*) Descended from Princess Elizabeth Stuart, daughter of James I. He died of his wounds at a small inconvenient lodging in an obscure village near Altona in Denmark, after being dispossessed of all his dominions, after losing his sight, after his family was ruined and dispersed, on November 10, 1806, overwhelmed with misery, grief, and pain.

(29†) The brutal murderous usurper, in possession of his capital, refused to permit his body to be deposited in the same grave with his ancestors; and his remains were thus left without a place of interment. ☞ See *Literary Panorama*, Vol. II, p. 1346.

(30) (31) Such are the terrors of his guilty mind, that he seldom sleeps two nights in the same bed, and even changes the side he sleeps on several times the same night, and with daggers and loaded pistols by his bedside and under his pillow; his bedchamber is also carefully searched three times every night, and locked up before he retires to bed; and when invited to entertainments he eats nothing but some hard eggs he carries with him in his pocket.

(32) Personally destitute of courage, as all cruel men are, he has been indebted to others for all his successes, and to the most notorious and infamous secret intrigue and corrupt bribery; than which what can be more despicable? Especially when the event is every kind of horrid iniquity and evil to the whole human race!

(33) Joseph Buonaparte, King of Naples. [See note 40]. Lewis Buonaparte, King of Holland, was a thief-taker and clerk to a petty police officer in Marseilles, at eight shillings a week, so debauched as to be old and decrepid at the age of twenty-two, married Hortense Eugene, commonly called Fanny Beauharnois, daughter of Josephine de Pagerie (Napoleon's empress) by a Royalist, once and naturally worthy, good, and loyal, although a favourite of her father-in-law, by whom she has had two children, (as her husband is said to be quite debilitated), now quite abandoned to pleasure and lust; Queen of Holland. She has turned out a vile prostitute by the advice of her mother. [See their intercepted letters, published in 1805, and since carefully suppressed]. She hates them all, and particularly Napoleon whom she actually abhors. Lucien Buonaparte accuses his brother Napoleon of the murder of a first wife, and of having persuaded him to poison his, and of having actually prepared and given the poison for her, which was administered to her in ice cream: this was done that he might marry a princess, and thereby strengthen and raise his family connexions; she died, but Lucien has disappointed Napoleon's ambition, and given him mortal offence by marrying a young and rich widow of an army contractor,

tractor, whom the Revolution found a starving porter, but died worth £750,000. Lucien declares Napoleon to be a murderer and poisoner in cold blood, also the greatest monster of all crimes, and a notorious coward.——Jerome, King of Westphalia (see note 35); besides the new-fangled kings of Saxony, Bavaria, Wirtemberg, &c. dubbed so by Napoleon Buonaparte as a mark of and reward for their treachery and meanness. The Prince and Princess of Piambino and Lucca (see note 35): Grand Duke of Berg and Cleves (note 36): Prince of Benevento (note 37): and also Fouche de Nantes, a beggar boy, found starving in the street by a monk, who carried him home to his monastery and brought him up: after Fouche was a priest, he soon became a rebel and traitor, destroyed the monastery, and murdered the good old monk his benefactor, and committed crimes and murders by hundreds and by thousands, too horrible to relate; married a prostitute and murderess of the very worst and lowest class, now the most intimate companion of the Empress Josephine, as he himself is of Napoleon, and one of his infamous Legion of Honour.

(34) What peasant, what beggar, what slave, would exchange his honest conscience, his peace of mind, and quiet sleep, for the horrors of the guilty conscience, and the continual fears, apprehensions, and dread of poison and death of the murderous usurper?

(35) Felix Bacchiochi, formerly a waiter at a gaming-house, and afterwards a cotton-weaver in Basil in Switzerland, married Eliza Buonaparte, a dairy maid, Napoleon's sister, who had two children by priests, and was quite common before he married her; he for a long time supported the family when starving in Corsica, was son of a shoeblack in Bastia,—now Prince of Lucca and Piambino.——Jerome Buonaparte, King of Westphalia, was, in 1795, a pot-boy at a small public-house in Marseilles, frequented only by waggoners, and could neither read nor write; in 1801, in St. Domingo, the daily torments and horrid executions of the negroes were his greatest pleasures, as well as his sister Le Clerc's, now Princess of Borghese: he even rewarded Grances for inventing new torments, and sent to prison another officer who forgot to call him up one morning when 262 were half burnt before they were sawed to pieces: and one afternoon in a fit of jealousy he ordered a young woman, whom he kept as a mistress, to be devoured alive by some famished blood hounds he had, and was present himself at the time, enjoying the highest gratification in her torments and agonies of death: a brother of this unfortunate young lady was shot from the mouth of a cannon, by order of General Le Clerc, for sending a challenge to Jerome on this account. The day after he murdered this girl, he sent for a beautiful young lady, daughter of a rich planter, to supply her place; she however preferred poison to the embraces of such a monster: for this he caused the father to be shot, the family ruined, and the property seized for the use of the Buonapartes. All this was known to Miss Patterson of Baltimore before she married him; and after being refused admittance into France, Spain, Portugal, and Holland, she arrived in England, and was delivered of a son at Camberwell, but has been forsaken by him, who has married a daughter of the new-fangled King of Wirtemberg. Such is Jerome, King of Westphalia!

(36) Joaichim Murat, son of a water-carrier in Paris, who was broke upon the wheel for robbery and murder, was brought up as a foot-boy and taught to read and write by a strolling-player, and brought upon the stage, but was always hissed off it; then enlisted for a soldier, was among the first that rebelled against his king, violated and murdered the beautiful and excellent Princess de Lamballe in cold blood, dragging her out of the prison naked, and afterward cut off her head, her breasts, and her privities, which, hor-

rible to mention, he wore as whiskers; besides murdering many hundreds more. He married Annunciade Caroline Buonaparte, Napoleon's sister, is now Grand Duke of Berg and Cleves, and commands his horse, also one of the Legion of Honour.

This Grand Duchess of Berg was apprentice and servant to a mantua-maker in Marseilles, was kept by Baptiste the player, who then allowed Napoleon Buonaparte, her brother, one shilling a day for his support. She afterwards worked at her trade in Paris, when she lived with her brother Lucien, by whom she had a child; and since her marriage Murat has challenged Lucien and wounded him twice for publicly declaring this.

(37) Charles M. Talleyrand de Perigord, formerly a most debauched priest and Bishop of Autun, now Prince of Benevento, the creator and support of Buonaparte as the Emperor Napoleon, by his talents: well known in England as secretary to Chevalin, the former French ambassador ordered away in twenty-four hours. He is deformed, and even frightfully hideous in his person.

(38) Josephine de Pagerie, from St. Piers, Martinique, married Alexander Viscount Beauharnois, publicly boasted that out of six pregnancies her husband had no share in any but the first, which was an abortion; kept by Legender a butcher, and by Barras a gambler and bagnio-keeper, who gave her to Buonaparte for a wife, afterwards kept her again with Madame Tallien, and she was even a public prostitute; now Empress of Napoleon.—The Queen of Holland,—the Queen of Naples, and all-all-alike,—only, if possible, still more infamous;—infinitely too much so to repeat their abominable actions here.

(39) On December 22, 1804, Buonaparte's Legion of Honour consisted of 969 members, of whom 82 are regicides (murderers of their king); 218 Terrorists (guilty of the most horrid murders of men, women, and children, by hundreds); 306 moderate Jacobins (murderers under the appearance of law); 74 public notorious murderers; 20 condemned thieves before the Revolution; 16 murderers of the unfortunate prisoners in cold blood, September 2d, 3d, and 4th, 1802, in the prisons, called Septemberizers, a name universally held in the utmost abhorrence; 22 thieves and forgers burnt upon the shoulders on the pillory; 36 released galley-slaves; 44 murderers or drowners *en masse*; 66 murderers or shooters *en masse*; and 27 incendiaries or burners *en masse*; (all these being the murderers of meritorious Royalists, and their poor helpless innocent families, wives and children, brothers and sisters, to the number of 400,000, in La Vendée, where they desolated the whole country for hundreds of miles, having also established public tanneries for human skins, which they had manufactured into boots and shoes, of which a great many thousands were sold.)—— Such are the members of the Legion of Honour of the self-created Emperor Napoleon I of the French! Such are now the companions and associates of the degraded sovereigns of Spain, Prussia, the princes of Germany and Italy, and—of the Emperor Alexander of Russia,—to their eternal infamy!

(40) Joseph Buonaparte, eldest brother of Napoleon (now the mock King of Spain and usurper of Naples), was clerk to a pettifogging attorney in Ajaccio, and afterwards at Bayonne at £14 a year wages; there in 1794 he married Maria Julia Clary, whose father kept a little chandler's shop, and whose two uncles (Timothy Galliard a wooden shoemaker, and Francis an ostler) made up fifteen shillings to pay for the wedding dinner, as she had three more suitors at the same time, *viz.* a tailor, a barber, and a chimney-sweeper, and six months after was delivered of a son more like the chimney-sweeper than the attorney's clerk; but he died, and she had no more issue until Eugene Beauharnois procured her two girls while her husband was at Rome, and was then told by Joseph that his company would be dispensed with. She had no more children; but during her husband's

band's absence at Amiens, she took the lessons of her dancing-master every night, for which he was transported to Cayenne: before then her majesty could neither read nor write.——Napoleon sent him to Rome, where his duplicity, perfidy, and rapacity soon destroyed the nation, and enriched himself with the plunder. He sent the Pope to France, from whence he never returned alive.

This is the family, that has thrust the Bourbons from the thrones of France, Italy, and Spain; and this stupid ignorant perfidious marauder, to whom the name of Napoleon is now added, is to render Spain powerful and happy as a king!——What insulting and infamous degradation!

☞ Every thing related in these notes being extracts from *The Revolutionary Plutarch* and *The Female Revolutionary Plutarch* (which well merit the most attentive perusal), is supported by authorities indisputable and undeniably true, and are acknowledged by all the parties themselves, being established and fully proved by abundance of living witnesses.

The mind turns with disgust and horror from a perusal of the dreadful crimes and abominable atrocities of these guilty and unhappy wretches, whose success has almost equalled their diabolical deeds; for, notwithstanding their unaccountable successes, miserable and unhappy must they be, although surrounded by wealth and power.——Why the OMNIPOTENT, all good and all just, has permitted this so long, our weak powers of mind and shallow penetration cannot discover; but, for the sake of prostrate virtue, morality, and religion, we most ardently wish and fervently pray that their successes may soon terminate, and that they may become terrible examples and notorious proofs to the world that guilt and iniquity, although for a while suffered, must at last bring down the just vengeance of heaven upon the devoted heads and trembling terrified souls of those who commit them.

(40*) Napoleon is a slave to the most horrible and violent gusts of passion, frequently kicking his mother, beating and confining his wife for days in her room on bread and water, &c. &c.

(40†) Issue of such marriages.

(41) No mark of infamy can be more base and abominable than wearing the cordon or ribbon of Buonaparte's Legion of honour! [See note 39].

(41*) The Emperor of Austria's superstition was taken advantage and made use of by Buonaparte, who, by bribing a priest, &c. caused Francis to believe that the Virgin Mary, in an interview (personated by one of his emissaries and agents), ordered him to make peace immediately, when the French army was on the verge of destruction: and by this he has been brought to the most abject submission.

(41†) The tergiversation of the Russian Emperor Alexander is most notorious and shamefully degrading, having been even reduced to the personal disgrace of publicly receiving Caulaincourt, the base and abhorred murderer of the revered and lamented Duke d'Enghein, as ambasador from the tyrant to whom the pitiful Alexander abjectly pays the highest honours, even admitting him to his greatest intimacy!!

(42) The highly honourable and gloriously independent conduct of the Prince Regent and Royal Family of Portugal cannot be too greatly applauded and venerated, forming an epocha scarcely to be paralleled in history, leaving his ancient kingdom and one of the most superb capitals in Europe, and retiring to Brazil in America, rather than submit to the wretched and infamous degradation, injustice, and participation of

of crimes and guilt, like the rest of the humiliated and despicable sovereigns of Europe.

(42*) Charles IV, King of Spain, after having for twelve years faithfully aided the French Republic and its present despot, is now deposed by him, without the least provocation or offence, and transferred with his Queen and all his family into the interior of France as state prisoners, being first compelled to publish a formal abdication of the throne. He is uncle to the Emperor of Austria, brother to the King of Sicily, and father to the Queen of Etruria (Tuscany), who was born in 1782, and married at thirteen to Lewis, Prince of Parma. The peace of Luneville in 1801 made her Queen of Tuscany, or, in the French revolutionary jargon, Etruria, created a kingdom by Buonaparte: her husband dying, and she indignantly refusing to marry Buonaparte's brother Lucien, he dismissed her from her short-lived sovereignty, and sent her back to her father in Spain; there she was seized by Murat, and, with her son eight years old, sent along with her father and the rest of her unfortunate family into the interior of France as prisoners, on May 12, 1808. Charles IV in 1765, then 17 years old, married his cousin Louisa Maria, Princess of Parma, daughter of Don Philip, youngest son of Philip V: her mother was the eldest daughter of Louis XV of France. —— They are all descended from the Stuarts.

☞ The following is an extract from one of the animated proclamations of the gallant and noble Spanish nation, for whose complete success all the good and worthy of the human race most ardently hope and fervently pray: *viz.* "The common foe of mankind was the traitor who tore from our bosoms our amiable Ferdinand VII, and the whole royal family. He carries his audacity to the length of holding out to us offers of happiness and peace while he is laying waste our country, pulling down our churches, violating and murdering our wives and children, and slaughtering our brethren. His pride, cherished by a set of villains who are constantly offering incense on his shrine, and tolerated by numberless victims who pine in his chains, has carried him to conceive the fantastical idea of *proclaiming himself lord and ruler of the whole world!* There is no atrocity which he does not commit to attain that end. In short, the most sacred laws of humanity have been trampled under foot with the utmost contempt by him and his myrmidons. Shall all these outrages, all these iniquities remain unpunished while Spaniards, and Castilian Spaniards, yet exist?—No:—it cannot be.——Your minds, glowing with generous ardour for your country, have resolved to revive the heroic scenes in which Castilian valour shone with immortal lustre, and saved our country.

"We,—all Spain exclaim: — "THE SPANISH BLOOD SHED IN MADRID CRIES ALOUD FOR REVENGE!"

"You that have been first betrayed, and since overpowered and overcome, exert yourselves as valiant Spaniards to shake off the ignominious yoke imposed on you with the slaughter of so many thousands of your innocent fellow-citizens, and with a perfidy horrid beyond all example. The stratagems, which hitherto secured victories to the tyrant, vanished the moment when Europe saw with her own eyes the artful snares and devices by which he seduced the unwary, until he had bent their necks under his yoke.—Let us shed the last drop of our blood to resist his vile domination, and rather perish with our wives, children, and all our race, than submit to it!"

Oh, brave and gallant heroes! In the most just and glorious cause, even that of the salvation of your country, GOD will never forsake you; but most assuredly will bless, preserve, and prosper you! —— Go on, intrepid and generous Patriots! Succeed, and deliver

deliver not only your own country and Europe, but the world, from the iron grasp of the most barbarous, degrading, and despotic tyranny, and horrid cruel oppression ever felt or heard of !

(43) The truly great and glorious Gustavus III, King of Sweden, against whom Russia, Denmark, Holland, Prussia, Austria, &c. have joined Buonaparte in the most disgraceful league.

(44) The King of Great Britain, George III, acknowledged Sovereign and Supreme of the Ocean; who alone has resisted the tyranny and power of the usurper of France, and the force of all Europe as well as the western parts of Asia now subjected to his despotic authority and command; and this most honourable and glorious resistance of Great Britain is and ever has been, entirely in support of religion, morality, and virtue, and for the benefit of all the human race, to her immortal fame and eternal honour and glory !

ELEGY XIV.

(45) Admiral Christian's fleet, shipwrecked on Portland and Weymouth beach, where eleven transports were lost and dashed to pieces within two hours, on November 17, 1795. (46) The fleet, consisting of near four hundred gallant ships, sailed a second time from St. Helens on December 9, 1795, and after being beaten and buffetted about upon the ocean for six weeks and five days, not more than sixty-seven returned to Spithead, above three thousand men being lost in different missing and wrecked ships.—The fleet sailed a third time in March, 1796, and arrived in the West Indies, and at St. Domingo, where the mortality of the yellow fever was more dreadful than any thing ever before heard of.

(47) After 7,600 men belonging to the army, and almost as many more of the navy were swept away by the yellow fever, from injudicious treatment, it being observed that all belonging to six ships under my care, and every other person I prescribed for, as well as Mrs. Smyth Stuart and myself, recovered, my prescriptions (in the hospital files) were adopted generally, and the disease ceased.——All the remedies prescribed by impudent empirics are the basest falsehoods and impositions; for the disease is merely a bilious fever, with the bile rendered acrid and corrosive by the extreme heat, 'and is cured by five grains of tartarised antimony and one table spoonful of soft sugar, dissolved in 15 table spoonfuls of boiling water, of which one is taken every fifteen or twenty minutes, until it has operated three distinct times, when an immense quantity of acrid thick viscid bile is evacuated, and the patient immediately relieved: toast and water with nitre is used for constant drink, and one ounce of natron vitriolatum (Glauber's salts), taken in it on the second or third day after, which, with bark in port wine during a state of convalescence, has constantly completed the recovery.'

(**) See *Literary Panorama*, Vol. II. p. 181.

ELEGY XV.

(48) Three sons dead, all interred in St. Mary-la-bonne burying-ground, with a stone erected to their memory, on which is the following inscription:

HENRY STUART SMYTH STUART,
Born 28th September, 1793,
Died 9th July, 1794;

ALSO,

CHARLES HENRY STUART SMYTH STUART,
Born 17th March,
Died 1st October, 1802;

SONS OF

FERDINAND SMYTH STUART,

GREAT-GRANDSON OF KING CHARLES II,

Rest here.

Most beautiful smiling Innocents!
Alas!—How fallen!
How changed!

AND

SPENCER PERCEVAL STUART SMYTH STUART,
Born June 14th, and died August 4th, 1807.

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(49) *Viz.* Henrietta Maria Stuart Smyth Stuart, Mary Clementina Stuart Smyth Stuart, and Constantine Wentworth Stuart Smyth Stuart.

(***) See *Literary Panorama*, Vol I. p. 573.

(49*) A man possessing the most depraved heart, who with his whole family (six in number) had been restored to health and comfort, as well as credit and character, from years of extreme illness, and (under heaven) several of their lives preserved, by the author's medical skill and disinterested benevolence, who daily visited all of them with equal assiduity, attention, and care, as his own wife and children, for two years and two months, during all which time this man and all his family always professed and acknowledged the very greatest obligations to him; yet when the author was ill in bed, and expected very soon to die, this man caused him to be arrested for £50, although at that time £106 in the author's debt for ready money, besides the above-mentioned highest obligations for the greatest of benefits: yet, by notorious perjury of persons under great obligations also to the author, and the most iniquitous decision of a single arbitrator (for which his conscience must be his punishment), he obtained an award against him for almost £50, and near £110 costs, which, with £106 that he justly owed him thus cut off, and his own base and treacherous attorney's bill of £109, amounted to £369 against him, entire and total loss, for which he never had one farthing, and, by the villainy of his sollicitor, was prevented from setting aside the award and obtaining a new trial.

Besides this, he instigated a pauper of the parish (of which he himself is churchwarden, assessor and collector of taxes, shopkeeper, &c. &c.) of the very worst character, most of whose connexions have been executed or transported, to attempt his life, by accusing him of a rape some months before (a most wicked total falsehood); and even after the worthy magistrate detected the iniquity of the attempt, and refused the vile wretch her oath, they, *viz.* the churchwarden and overseer, not only offered to supply her with money and send her to the grand jury to support and enforce this infamous prosecution, but also attempted to intimidate a poor honest man (also upon the parish), who was ready to testify the author's innocence upon oath, being in her company himself the whole time in which she said it was done, and the author not in her company at all, having discharged her from his service (day work) above a year before

before for thieving. During the time of this horrible attempt against his life, the author knew nothing and had not the least suspicion of any ill against him, but had rendered this overseer and constable (the most active person in this infamous attempt) very essential services, and was even then exerting himself to do him still more and to much greater extent. However, the magistrate, discovering their wicked intentions, thought it his duty to examine the poor man, who was then extremely ill, protected him against the threats of these audacious parish officers, ordered him a weekly support from the parish, and said that he thought it his duty to quash the whole intended proceedings, even threatening to move for a criminal information in the Court of King's Bench against the parish officers, if they did not immediately desist.

After this, he (*viz.* the constable and overseer) begged the author's forgiveness, and declared himself sorry from his heart for all he had done, who again forgave him, and was the sole means of obtaining a still greater benefit to him, which indeed has been the entire setting him up, and establishing him in business from almost beggary; but, as soon as he obtained this favour, he proved himself not only ungrateful, but also the author's private bitter enemy; exactly as related in the verses, *viz.* from * to *.

However, the above sum coming against him so unexpectedly, when he had not a shilling to spare from the support of his sick and most afflicted family, the death of some of whom was looked for every hour, being obliged to sit up with them himself many nights, when his old wounds broke out again, and his wife dangerously ill, yet expected to be confined in childbed every day, not being able to procure any help; their servant laying also in the house at the very point of death;—at this most distressful time he was compelled to leave his helpless afflicted family for seven weeks, and at last, on the very day Mrs. Smyth Stuart was delivered, had, with a broken heart, concluded to submit to go to prison.

(††) In this state of inexpressible misery of himself and all his family, Mr. Perceval, the Chancellor of the Exchequer, saw him, and like a blessed angel from heaven, advanced him £150, from the purest benevolence of heart, unasked and unexpected, which saved him and his family from ruin and death; and, soon after, the most worthy and noble Sir James Pulteney, Bart. Secretary at War (along with whom he had the honour of serving his country as a captain in America) proved likewise a generous and unexpected benefactor.—However, this government is justly indebted to him £31,808; being the wrecks of a large fortune lost in America by his loyalty, as related and explained in the annexed CASE; and his claims are at this time before the Board of Treasury.

The extract (marked thus, from * to *) of a burlesque poem, entitled 'The Bursted Chase' (very rare and scarce, but strictly and literally true), will best illustrate all this.

ELEGY XVI.

(50) See Note (P). ☞ The great Duke of Marlborough first served and acquired the art of war under the Duke of Monmouth.

(51) The same detestable influence and state policy that induced Charles II to marry the Infanta of Portugal, his first wife being alive, also prevailed on him to disavow his marriage with the Duke of Monmouth's mother in a public declaration, which was considered as confirming more than confuting the fact; and the priest who performed the ceremony was promoted to a bishopric to conceal it. The Duke of Monmouth was brought up under

under the particular care of his grandmother, Henrietta Maria, Queen Dowager of England, at Paris, in a public and honourable manner, and never associated with the King's natural children.

(52) Charles loved the Duke of Monmouth's mother to a degree of the most romantic excess.

☞ This statement of facts, and all these observations, are inserted for the sake of truth and justice, and to vindicate the STUARTS, and particularly the unfortunate DUKE OF MONMOUTH, from the general misrepresentations and calumnies of base detractors, which it has been a kind of fashion in hired scribblers and weak, partial, and ill-informed writers to throw out against them and heap upon their memory, for almost a century past, perhaps with a view of obtaining favour at court; but the present reigning family can have no need for the support of falsehood or misrepresentation, being established on the firmest grounds, and the most proper and sure foundation.

THE

UNIVERSAL PRAYER.

AN IMPROVED VERSION.

Father of all! In every clime,
In every age ador'd!
Creator even of fate and time!
Eternal blessed Lord!

Thou great first cause! least understood!
Who all our sense confin'd
To know but this, 'that thou art good,
And that ourselves are blind.'

Yet gave us in this dark estate
To see the good from ill,
And binding nature fast in fate
Left free the human will.

What conscience dictates to be done,
Or warns us not to do,
This teach us carefully to shun,
That ardently pursue.—

Let not our weak and erring hand
Presume thy bolts to throw,
And deal damnation round the land
On each we judge thy foe.

If we are right, thy grace impart
Still in the right to stay,
If we are wrong, direct our heart
To find the better way.

Keep us alike from foolish pride,
And impious discontent,
At aught thy wisdom has deny'd,
Or aught thy goodness sent.

Let us accept, with heart sincere,
All good, as from thy hand;
And zealously still persevere
To act by thy command.

Teach us to feel another's woe,
To hide the fault we see,
That mercy we to others show
That mercy grant from thee.

What blessings thy free bounty gives
Let us not cast away,
For God is paid when man receives,
T'enjoy is to obey.

But not to earth's contracted span
Thy goodness let us bound,
Or think thee Lord alone of man
When *thousand worlds* are round.

Mean though we are, not wholly so,
Since quicken'd by thy breath,
Oh lead us wheresoe'er we go
Through this { day's / night's } life or death.

Support our souls, Almighty God!
And strength of mind impart,
To bear affliction's chast'ning rod,
With firm and contrite heart.

This { day / night } { be } { bread / rest } and peace our let,
All else beneath the sun
Thou knowest best to grant or not,
And let thy will be done.

To thee, whose TEMPLE is all SPACE!
Whose ALTARS—ORBS OF FIRE!—
One chorus let all beings raise;—
Thy glorious praise aspire!

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Panuco R.
Mississippi R.
Rio Grande
Rio Bravo
Rio Colorado
Gulf of Mexico
Gulf of Florida
Gulf of Bahama
Gulf of Honduras
Gulf of Darien

THE

CASE

OF

FERDINAND SMYTH STUART,

WITH HIS

MEMORIALS

TO

The King,

THE LORDS OF THE TREASURY, &c.

AND

VOUCHERS OF HIS PUBLIC SERVICES, SUFFERINGS, &c. IN THE CAUSE OF HIS COUNTRY, DURING THIRTY-THREE YEARS,

FROM

MANY PERSONS

OF THE

Highest Rank and Character.

LONDON.

Printed by COX, SON, and BAYLIS, No. 75, Great Queen Street, Lincoln's-Inn Fields.

1807.

NORTH AMERICA
AND
THE WEST INDIES
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NORTH PACIFIC OCEAN
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Longitude West from London.
LONDON. Published by Laurie & Whittle. Fleet Street.
Oct.1st 1801.

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1807.

To the Right Honourable the Lords Commissioners of His Majesty's Treasury.

My Lords,

Being informed, from the highest authority, that the Report of the Commissioners for American Claims to the Board of Treasury, early in 1784, still operates against me, notwithstanding my fair and full explanation, and complete justification, substantiated and confirmed by the voluntary testimony of James Rankin, Esq., (in September the same year, who arrived in England after the said Report was closed and given in,) and who had it much more in his power to hear and be fully informed of every thing that could be brought against me, on the spot where I was perfectly known, than it was possible here at 4000 miles distance from thence, and after a lapse of time of seven years, whose testimony in my behalf ought to be considered of infinitely more weight than that of a thousand concealed, vile, false informers against me. To that gentleman's certificate, therefore, hereunto annexed, I beg leave to call your Lordships' particular attention. And, notwithstanding I made it appear that the whole proceedings of the said Commissioners, in regard to me, were directly contrary to law, justice, and truth, and that they even violated their oaths, and actually perjured themselves in order to injure me,—yet, although I proved all this most completely, and thereby certainly justified myself against all those charges, (of what kind soever they might be), and most clearly evinced, that I have been treated with a degree of injustice and cruel oppression beyond all precedent or example, which the very critical circumstances of the times induced me to bear with silent patience, rather than make such flagrant acts of iniquity, injustice and oppression public, and thereby irritate and inflame the public mind, then already too much agitated,—a degree of forbearance rarely to be met with,—yet, after 23 years, to find myself still considered guilty of what I was then proved entirely innocent, is an extreme of injustice and oppression not to be paralleled or endured in silence any longer, and calls loudly on the government of my country for redress.

I must farther state to your Lordships, that no charge against me was ever communicated to me, nor could I ever learn even the nature of the Report of the Commissioners, notwithstanding every exertion I made to discover it from 1784, until April 27th, 1807, when the substance of it was mentioned to me by the Marquis of Tichfield:—yet, without a trial, or possibility of defence, and without any accusation being ever brought against or communicated to me, I have been condemned unheard, on charges unknown to me; and have suffered, (although most perfectly innocent) for 23 years past, a weight of horrid injustice and oppression beyond all possibility of atonement or adequate recompence being ever made to me.

I submit all this, and the whole of the following statement to your Lordships serious and impartial consideration; and entreat you, only to place yourselves in my situation, and to do by me, as you would wish to be done by, yourselves, in my place.

My Lords, in trials for crimes, sentences of punishment are proportioned to the enormity of the guilt,—for 7 or 14 years, or even death;—but that is *after* conviction.

Had I even been found guilty, on a fair trial, my sufferings have been beyond all proportion exceeding any charge that could possibly have been brought against me even in imagination; but, innocent as I am, what amends can be made to me for them?

In my case, my Lords, without any sentence, I have suffered a punishment, for 23 years, a thousand times more cruel and grievous than death;—nor does it appear when my sufferings are to terminate.—And for what crime?——for unexampled loyalty to my King and Country;—for sufferings in the same cause almost beyond human fortitude or nature to endure;—and for exertions so great and arduous, as have excited the envy and active but secret malevolence of many private enemies against me, who have had the opportunity of gratifying their vindictive malice and envy by giving secret and concealed information against me, to an iniquitous tribunal, that avowedly adopted such a dangerous inquisitorial and most flagarantly unjust mode of proceeding,—and against which it must be impossible for any defence to be made, where no charge is communicated.

I now entreat you, my Lords, for the sake of public national justice and honour, to grant me redress.

After 23 years of the most horrid and grievous oppression exercised upon a man who has been universally acknowledged to have deserved well of his country, which he has served honourably, faithfully, and zealously, as a captain for 33 years, render him and his suffering family every atonement in the power of government; restore to him his proper rank in the army, as well as his property; reimburse his fair and just claims; and enable him to support and provide for his much wronged family; and, at last, to close his days in comfort and peace. This will be doing honour and justice to yourselves and your country, and must bring the blessings of heaven down upon you and your posterity hereafter.

I have the honour to be,

My Lords,

Your Lordships very obedient servant,

London, 1807. FERD. SMYTH STUART.

EXTREME INJUSTICE AND HARDSHIPS,—AND AN EXPLANATION OF THE NAMES OF SMYTH AND STUART;—STATED IN LETTERS TO THE RT. HON. WM. PITT,—AND THE EARL OF MOIRA.

To the Rt. Hon. Wm. Pitt, &c. &c. from J. Ferd. Smyth,—presented by the Duke of Richmond.

SIR,

The very extraordinary circumstances, herein stated, that attend on my CASE, will evince to you the propriety and necessity of this serious application immediately to yourself. I shall mention however only a few of the most striking, although there are many more nearly similar.

During the late rebellion in America, I was taken prisoner by the rebels, in Maryland, in November 1775, and was most rigidly confined, with extreme barbarity, under a brutal guard, and my property was seized on and confiscated.

'At that same time Robert Eden, the Governor of the Province, was not only at liberty, but was giving
' and receiving public entertainments to and from the Chiefs of the Rebellion, in Annapolis, the Capital.'

I was carried a prisoner, IN IRONS, *under a strong guard, to Philadelphia, to the American Congress, where I was confined, in a dungeon, upon bread and water alone, and never saw the sun or moon for almost the whole of the year 1776; and from thence was dragged,* IN IRONS, *to Baltimore, where the Congress had fled on the approach of the British Army.*

'All that time, Mr. Penn, the Governor and Proprietor of the Province of Pensylvania, resided in the city
' of Philadelphia, was in constant habits of friendly intercourse with the Chiefs of the Rebellion, and neither
' his property nor person was molested.

'Mr. Galloway also, and Mr. Allan, of Philadelphia, were then members of the American Congress,
' although the last was Attorney-General for the Province, yet was ONE OF THE COMMITTEE OF THE CON-
' GRESS that ordered the above mentioned CRUELTY towards me, a British Officer, and their prisoner.'

During this time many offers of great emolument and high promotion were made to me, by the Americans, to detach me from the cause of my King and Country, and join theirs, which I always peremptorily rejected.—And, as they resolved not to exchange me, my situation was most deplorable and desperate, until I escaped out of their hands, in effecting which I underwent a series of perils and hardships scarcely to be paralleled in history.—I then raised a fine corps of 230 selected men, served my King and Country in arms, and chearfully shed my blood, having been placed in the Post of Honour, during the war.

At the Peace, the important information hereunto annexed, submitted by me to Administration, caused the grand posts of Canada to be then retained, and consequently the Fur trade to be preserved, of inestimable value to this Country; and also occasioned the Boundary lines to be revised, and altered greatly to the advantage of Great Britain; besides my having before been the entire means of preserving all Upper Canada.

'Mr. Eden, Mr. Galloway, and Mr. Allan indeed left the Americans, but never bore arms in the cause
' of Great Britain, and Mr. Penn remained with the Americans.—Yet Mr. Galloway is allowed £560 a year,
' and Mr. Allan £300 annually, from this Government, besides the value of their property, and all Mr. Gal-
' loway's estates in America have been also restored to his daughter;—Mr. Eden was created a Baronet and al-
' lowed £800 a year;—and Mr. Penn, who remained with the Americans, after having disposed of his property
' to the Congress there, is now also allowed here £4000 a year from Great Britain.'

Yet I am not only refused any compensation for loss of property and profession, but am also most cruelly, illegally, and unjustly deprived of £300 a year granted to me by Government for military services and expenditures; and even my back pay, while a tortured prisoner in the hands of the enemy, and afterwards until the reduction of our regiment, and all my military expenditures in the service of Government, are withheld from me;—and I am left with a wife, and two children in America (where I am proscribed), totally destitute, and entirely without support.

I mean no reflection on those persons whose names I have been obliged to mention to evince the peculiar and extreme hardship of my own CASE, the strict veracity of which they themselves will readily acknowledge, nor can they cast any reflections on me, as I am confident they respect my character and conduct, however different from that of those who have been more fortunate although less firm.

This simple statement of most important facts I am hopeful must have every weight; so that, after a series of extreme distress, I may at length obtain that relief and redress, for my suffering and much injured family, certainly due to unparalleled sufferings, eminent services and distinguished loyalty.

I have the honour to be, Sir,
Your most obedient servant,
J. FERDINAND SMYTH.

London, 12th June, 1790.

EXPLANATION OF THE NAMES OF SMYTH AND STUART, IN TWO LETTERS TO THE EARL OF MOIRA.

MY LORD,

Billericay, Essex, August 2, 1806.

Your letter of yesterday surprises me not a little. I thank you for your candour in communicating those insinuations, as it affords me an opportunity of convincing your Lordship of the injustice of such sentiments.

After 28 years honorable knowledge of me, *viz.* ever since 1778, when, by an official correspondence that then occurred, your Lordship * could not avoid being fully informed of my family, my misfortunes, sufferings, and services, in the cause of my country; and, if our family name was not made use of then, our Arms always were, on every letter from me to you, or to the Commander in Chief;—after such a personal knowledge of me during 28 years, without even a reflection of any kind, I conceive it would have been but fair and just to have paid no regard to such unfounded insinuations against me, merely for using or reassuming our proper family name of STUART, added to that of SMYTH which indeed is nothing to us but by adoption.

* Then Lord Rawdon, Adjutant-General in America.

The plain statement of the matter is, that my father was son to the Duke of Monmouth by Lady Henrietta Maria Wentworth, Baroness of Nettlested, between whom the ceremony of marriage was most certainly performed, although as certainly illegal, as the Duchess of Monmouth (Countess of Buccleugh, to whom he had been married, at 15 years of age, by command of his father King Charles the 2d) was then alive, residing at More Park, and had besides Scot, afterwards Duke of Buccleugh, a posthumous son also by him, *viz.* the ancestor of Scot, Earl of Deloraine.

Lady H. M. Wentworth, who was grand-daughter and heiress of Thomas W. Earl of Cleveland, and daughter and heiress of Thomas Lord Wentworth, by Philadelphia, daughter of Sir Ferdinando Carey, Knt. died of grief, in 8 months after the Duke of Monmouth's execution, (and was buried at Teddington in Bedfordshire), leaving my father only 2 years old; and, as he was considered as illegitimate, her title and fortune devolved to Lord Lovelace, who dying without issue, they fell to Noel, ancestor of the present Lord Viscount Wentworth; and this her only son, my father, would have been left entirely destitute, had not a Colonel Smyth, a most dear and confidential friend of the Duke of Monmouth, who had been his Aid-de-Camp in Flanders in the service of France, taken him under his care and protection, and left him, with his name, his whole fortune in that country. There he was persuaded (conduct most unaccountable) to join the interest of the abdicated family both in 1715 and 1745; and at the age of 60, married Maria Julia Dalziel, grand-daughter of General James Crofts, natural son of the Duke of Monmouth by Eleanor, daughter of Sir Robert Needham of Lambeth, who, although only 15 when she married, died first, *viz.* at 18, and my father soon after, leaving me a helpless orphan.

There were 5 sons by a former marriage all killed;—1 in the cause of the abdicated family, and 4 in the service of our King and Country, in which I also have suffered so severely.

The Duke of Monmouth's marriage with Lady H. M. Wentworth (which your Lordship says 'was not 'even named in the day and must be unfounded'), was so well and publicly known, that the 2 Bishops appointed to attend him at his execution refused to administer the Sacrament to him, because he would not acknowledge that he lived in sin and adultery with Lady H. M. W., but declared, 'that he considered himself 'married to her before God and man, as his first marriage was before he was capable of making a choice, or of 'giving consent, &c. &c.;' and, although very desirous of receiving it, he died without the Sacrament, rather than make the above acknowledgement. All this, my Lord, and much more is upon record.

About 10 years ago, reflecting often and seriously, how absurd it was to bear the arms of STUART with the name of SMYTH which was nothing to us and the property originally annexed to it all gone, seeing no impropriety in reassuming our real family name, I used it in addition to that of SMYTH; and, if there is a possibility of that doing me an injury, it must be with such as never wished either to befriend me, or to do me justice, and only sought for an excuse to cover their neglect or ill disposition towards me; for, setting aside every private and personal consideration, all my claims stand on the most public and firmest ground; 'extreme, even unparalleled sufferings, and honourable and approved services in the cause of my King and Country, supported by the testimony of persons of the highest worth, rank, and honour;' (a kind of merit that ought never to be neglected or forgotten). And I am happy to add, that my personal and private character is without blemish, and never did, nor shall disgrace our family. Besides, what claim of priority, rank, or pretensions, is in our branch of the family?—Most certainly none of any kind. Yet I, who despise all rank, power, and pride, unless founded on honour and virtue, would not give up my family, although obloquy, oppression and ruin should be the consequence.

I am incapable of flattery, and I now find, that even you, my Lord Moira, whom I have ever honoured, esteemed, and respected, in the highest degree, as one of the best and most excellent of men, are not so perfect as I, in the warmth of my heart, considered you; for my application to you, founded solely on public merit, has had no effect, excepting that of producing a rebuke, delicate 'tis true, but not less severe, where there was not even a shadow of fault, &c. &c.

FERD. SMYTH STUART.

TO THE EARL OF MOIRA.

Billericay, Essex, 26th August, 1806.

MY LORD,

Extreme illness has prevented me from acknowledging yours of the 11th instant until this time. Surprised as I was at your former letter, I considered, that, as other persons might entertain the same sentiments which your Lordship communicated to me, the explanation would be more easily made by a few copies of both letters being printed, than in any other way; as I am too much employed in my official duty, and too ill besides, to be able to write any more copies of the statement I had the honour of transmitting to your Lordship, this was the reason for my requesting permission to print them; but you may rely upon me that I would not do that, or any thing whatever in the least unpleasant to you.

However, I entreat your Lordship to refer to my last letter, wherein I mentioned, 'that, although, most 'certainly, the marriage ceremony had been performed between the Duke of Monmouth and Lady Henrietta 'Maria Wentworth, yet as certainly it was illegal, his first wife being still alive:' and, I can lay no stress on the Duke of Monmouth professing the sentiments he did respecting it.

Our Arms I had from my father, and my reassuming the name of the family I belong to, was as natural, as just and necessary, for the sake of my children; for, indeed, what was the name of SMYTH to me? And what name could I really claim or have, but either STUART or WENTWORTH? to each of which families I belong, but doubly so to STUART: nor can any sinister or improper motive be laid to my charge on this account, as it is well known, and was never doubted, that I belonged as much and as near to the family of STUART, bearing the name of SMYTH alone, as with our own name added to it.

As to myself personally, notwithstanding my decided and well known loyalty, sufferings, and services, there is not a man in existence more cruelly oppressed and injured than I am, and have been for 20 years past; but these have not been times to publish the oppression and injustice of government; and I have suffered, in silence and resignation, injuries and wrongs, that would have done the government of my country no good to have been made public.

With the highest respect, I have the honour to be,

MY LORD,

Your Lordship's obliged, obedient, and most faithful Servant,

FERD. SMYTH STUART.

Cox, Son, and Baylis, Printers,
Great Queen Street.

TO THE

KING'S MOST EXCELLENT MAJESTY,

THE

MEMORIAL

OF

JOHN FERDINAND SMYTH,

IMMEDIATE DESCENDANT, BEING GREAT GRANDSON, OF KING CHARLES THE SECOND;

MOST HUMBLY SHEWETH,

THAT your Memorialist, finding himself injured and oppressed in an extreme degree, is under the necessity of applying to Your Majesty, the fountain of justice and honor, for redress.

That he would not have presumed to have made this application to Your Majesty, had not his constant exertions to obtain redress, from those whom he considered as possessing ample powers to have afforded him justice and his right, which is all he requests, proved ineffectual and fruitless for seven years past.

His distressful CASE, surely infinitely more so than any that ever before came under Your Majesty's notice,—he humbly entreats permission to lay before you, in full hopes of obtaining, from Your Majesty's justice and honor, that redress and relief, which are due to every injured individual, and to none more amply, than to

Your Majesty's most loyal subject, and

Most faithful servant,

J. FERDINAND SMYTH.

Charles Street, Cavendish Square,
8th December, 1792.

THE CASE,

AS STATED IN THE FOLLOWING MEMORIALS, &c. WITH THE VOUCHERS.

TO THE RIGHT HONOURABLE

The Lords Commissioners of His Majesty's Treasury, &c.

The MEMORIAL of J. Ferdinand Smyth, M. D., Late Captain Commandant of the Royal Hunters, and Captain of the late Queen's Rangers, &c., in America,

HUMBLY SHEWETH,

THAT your memorialist was happily settled in the very best part of America; was possessed of a good estate; had an extensive and profitable practice of physic, and lived in the most abundant affluence, having a clear and increasing income of more than £1700 a year: that, when the late rebellion broke out in America, he was zealously (but as it proved to him unfortunately) attached to the British Government: and, in a province, where for three counties around him there was scarcely another person of note loyal, being soon marked out for public vengeance, was compelled to abandon his home, his fortune, and his family, as early as October 15, 1775; and then, after encountering considerable dangers, (the nearest British post being 320 miles from his residence,) joined his Majesty's arms.—That your memorialist, being appointed a captain in the Queen's Royal Regiment of Rangers, (date of commission 5th November, 1775), was detached, on command, on a most important secret and perilous expedition, in which he advanced a considerable sum of money for his Majesty's service.—That, after conducting the enterprize himself in perfect safety and secrecy for almost 400 miles, on the day after he relinquished that charge to the commanding officer, viz. the 19th of November, your memorialist had the misfortune to be taken prisoner along with him, was rigidly confined under a strong but brutal guard, and in the greatest danger of being murdered every hour.

That, on the night of the 30th of December, your memorialist escaped from the said guard of 50 men, at the utmost peril of his life, with dispatches of great importance for his Majesty's service, (no less than the preservation of all Upper Canada), and travelled 300 miles on foot, through inhabitants the most ferocious and hostile, over the Alleganey mountain, the most inaccessible and extensive perhaps in the world, in an extremely rigorous winter, the snow 3 feet deep, almost destitute of cloaths and food, and encountered a series of dangers and hardships not to be paralleled, and fifty times worse than death, when no one else dared to undertake the desperate enterprize.

That your memorialist, apprehensive of being retaken himself, thought it advisable to send a messenger a different rout through the Indian country; by which means he effected the important service for which he risqued his life in escaping, and thereby prevented all Upper Canada from falling into the hands of the enemy: but he himself had the misfortune to be recaptured, when nearly out of danger, and was dragged 700 miles, bound with cords, and suffering every species of indignity and brutal treatment, until he was delivered up a prisoner to the Congress at Philadelphia.

That the Congress refusing to exchange him for any rank; he suffered a captivity, during 18 months, unequalled in cruelty, subsisted *only on bread and water, in dungeons, and in irons.*—That, during these sufferings, almost too great for human fortitude, your memorialist had to resist frequent offers of freedom, favour, high promotion and command; and also to support a variety of ill treatment, occasioned by refusing with scorn their insidious proposals.—That, after remaining in this dreadful situation near 18 months, being ordered to be brought after the Congress, who had fled from Philadelphia to Baltimore, he was compelled to march 150 miles, *in irons*, being forced on with bayonets, when covered with blood, occasioned by the irons and broken blisters. That, unable to march any farther, by the wounds and laceration of the irons, he was then thrown into the hold of a privateer, upon pig-iron and stones the ballast of the vessel, where he was kept, *without food and cloaths*, for three days and nights; without any shelter from the snow that was falling fast all the time through the hatches, purposely kept open, *and still in irons*, although under a double guard of 120 men.—That at length, however, he again effected his escape from a guard of 60 men, and, having a fourth time undergone hardships and dangers absolutely incredible, in passing down the Great Bay of Chesapeak, 200 miles by water, and more than 300 miles by land, through a hostile country, where he was well known,

known, and a high reward was offered for securing him; being even obliged to pass through the fleets and armies of the enemy; after a multitude of hair breadth escapes, he got safe on board the Preston, then 21 miles out upon the ocean, where he had been tossed about, in a storm, all the night before in a canoe, expecting every moment to be lost. That he soon after arrived at New York, in the Daphne, with 4 fine armed prizes, at the capture of which he was engaged in the Hotham sloop tender of only 2 guns, although one of the prizes, alone, was a fine ship, from Nantz, with arms, ammunition, and camp equipage, mounting 18 guns, besides swivels, and small arms. During these very hazardous escapes, he was under the necessity of expending considerable sums of money; but so *pure* were your memorialist's loyalty and zeal, that, on his arrival at New York, he declined accepting a very handsome gratuity, in money, from Sir William Howe, the Commander in Chief; and immediately accompanied the Danbury expedition, as a volunteer. That he afterwards did duty in the Loyal American Regiment, as a captain, and also in the 42d or Royal Highland Regiment, until he was commanded along with the grand army.—That, besides 45 men in the Loyal American Regiment, by order of the commander in chief Sir William Howe, your memorialist raised a corps of 185 *chosen men*, having actually refused 3 men for every one that he accepted, viz. all that composed Clifton, Chambers's, and Allen's regiments, at a very great expence, having assurances from the said commander in chief of being repaid, which was prevented by the commander in chief being changed, and by your memorialist being constantly engaged, on hard duty, on the outposts, at the continual risque of his life; and, from the same cause, he had not then received his pay while a prisoner.

From that time your memorialist commanded his corps, as captain commandant, in the most active service, until he was attached by his own choice, with all his men, to the Queen's Rangers; of which gallant and distinguished regiment although his men composed the greater part, yet he was only a captain.

Thus it appears, that your memorialist has faithfully, honourably, and most importantly served his Majesty, in arms, from the year 1774, being always placed in the post of honor; and, besides, that long after he was a captain, with his company full and complete, he raised a light corps of near 200 selected men, cavalry and infantry, at his own expence; who fought with distinguished bravery during all the war, and were the flower of the whole British army, yet he received for them no consideration whatsoever, not even in rank; and he ventures to say, that no officer in his Majesty's service, besides himself, *ever did the like*. (Some of his sufferings and services are detailed in the annexed report to the Secretary at War.)

That his constitution being much impaired, by the cruelties he suffered in captivity, and the extreme hardships of four most perilous escapes, as well as uncommonly severe service, he languished for a long time under a very infirm state of health, and his wounds have broke out again more than once.

That having laid his accounts of military expenditure, back pay, &c., before his Majesty's Board of Treasury, which being fully investigated and proved before the Board, at which the late Lord North presided, the said Board ordered £200 a year to be paid to him, until such time as the Treasury should pay off the whole together, these being distinct and separate from American claims. That afterwards the Commissioners for American claims, upon an open, fair, and full investigation, were pleased to add an hundred pounds a year to his former allowance, unsolicited by him; and he was, at the same time, officially assured, from the first authority, (George Rose, Esq. then Secretary to and by order of the Board of Treasury), 'that the whole of the said allowance of £300 a year 'was to be *permanent*, and would be *continued* to him until he was otherwise *better* 'provided for;'—yet this promise, so solemnly made to him, has *not* been fulfilled.

That having been applied to, by the Commissioners for American claims, and having been repeatedly solicited, and even *urged by them*, to give *secret* and *private information* against any persons whose case was or might be before them, with the strongest promises of secrecy and concealment, even from the person informed against, and assurances of favour for informing:—*This he positively refused to do*: but *offered freely to declare every thing he knew* against any one, *openly and fairly face to face*:—this, however, the Commissioners said would not answer their purpose.—Soon after this, having been called before the said Commissioners for examination himself, your memorialist, in consequence of secret and concealed informations having been received against him by the said Commissioners, many if not all of which must have been *false* and *malicious*, the Commissioners themselves having acknowledged that 'they knew a great number of them to be so;' but the informations, and even the informers' names being kept secret and carefully concealed from him, it was thereby put out of his power to detect, even the most cruel and notorious falsehoods and calumnies: the Commissioners thus became prejudiced against him, and a misconstruction of his memorial and claims was the consequence, every thing relating to him being seen, by them, through a mist or false medium; so that, contrary to truth and justice, contrary to law, contrary to all former precedent, or judicial process, unless it might be those of the Spanish Court of Inquisition,

Inquisition, the said Commissioners have decided judicially against your memorialist, upon the *exparte evidence* of persons, whose names and testimony they positively refused to communicate to him, and whose oaths, it may be well supposed, cannot be deserving of credit. That your memorialist, although the only person interested therein, both in property, and character dearer to him than life, has not been able to obtain a copy, or even a sight, or indeed any knowledge whatsoever, of the said Commissioners' report concerning him, or their judicial decision against him, during *eight* years of earnest solicitation; yet, in consequence of that report, (thus cruelly and unjustly concealed from him), has been deprived of his property, viz. compensation for his losses, and also of his *annual allowance*, granted him, upon the *faith* of government, until his military expenditures were reimbursed, and himself otherwise better provided for; and without that clause of the act of parliament having been complied with, which directs a *further enquiry* to be made before the Board of Treasury, when he might have had an opportunity of meeting those concealed accusers, and secret enemies, *fairly* and *openly*, face to face, as, in every *free* and *just* government, all accusers ought to be met.

That it is impossible for the greatest merit, the purest innocence, to stand against such iniquitous proceedings: proceedings, by no means authorised by that act of parliament, and contrary to rectitude, equity, and the whole tenor, letter, and spirit of the laws of England, which wisely and justly consider every person innocent, whatever accusations there may be against him, until he is fairly convicted, upon sufficient evidence, in an *open trial*. To this, the most notorious malefactor, even murderer, is legally entitled, and it is never refused to him. Yet a gentleman of unblemished reputation and honor, whose principles and patriotism are as pure as the light of heaven; who without reluctance sacrificed his all, shed his blood, and risqued his life a thousand times, in the service of his King and Country; whose fidelity resisted trials almost beyond human fortitude; and whom every species of suffering and cruelty, exercised upon him for a great length of time, could not for a moment draw aside from his duty; whose family and connections are the first in the empire; and in whose behalf many persons of the highest rank and character have born honorable testimony, has been *deprived* of *that* which is not denied to the greatest malefactor. What can justify such a violation of the law of the land, and deviation from every former precedent?—That he has made fraudulent claims will appear impossible, by the following extract of his memorial to the said Commissioners for compensation, viz. " That in regard to his property, the decided activity of his conduct in favour of Great " Britain, rendered it subject to the depredations of a lawless mob, before the Americans " had formed any regulations with regard thereto, or had declared for independence. " That, although in the annexed valuation of his property and estates, he did not think " himself at liberty to deviate from that originally preferred to the Board of Treasury, yet, " he is most cheerfully willing to sink his in any proportion, and in any manner, that may " be judged just and adequate, as well to other individuals, as to the completion of the " whole, according to the discretion of the Commissioners."—That your memorialist, therefore, contends, that the proceedings against him are *unjust* and *illegal*, and in no manner authorized by that act of parliament, which must first overturn the whole system of legal process, and constitutional government, before it could establish or support those of a nature directly contrary:—measures the most partial, oppresssive, and arbitrary!

That he refers to the act itself, which, in the 3d section, merely authorizes the Commissioners to examine witnesses upon oath, *not in secret*, with a promise of concealment, but in the usual fair, open, and legal manner. By section 4th, it is enacted, ' That, if ' it shall appear to the said Commissioners, that any person shall have delivered to them ' an account or claim, beyond the real loss, with an intent to obtain more than a just com- ' pensation, the said Commissioners shall, with all convenient dispatch, report such account or ' claim, with the evidence taken thereupon, to the Commissioners of his Majesty's Treasury, ' who are hereby authorized, *to make such farther enquiry upon the case*, as they shall think ' proper;—and, that, if they, or any three of them, shall be of opinion that such account or ' claim is fraudulent, then such person shall be absolutely excluded from any compensa- ' tion, &c.' Nothing can be more plainly pointed out than that the intention of the act was to afford the person, thus accused, or reported against, *an opportunity of defence*. That, in your memorialist's case, this very material part of the act of parliament has *not been complied with*. That it is injustice in the extreme, to enforce the severities of this act, without the *farther enquiry expressly directed before* the Lords of the Treasury.—And, it can scarcely be thought possible, that the Lords of the Treasury would relinquish their own understanding and judgment, for those of the Commissioners of American claims, to give a decision as the Board of Treasury; or, that they, also, could be so *partial* and *unjust*, as to enter upon a judicial process against any one, upon *ex parte* evidence, to be concealed and kept secret from the only person interested in the decision, whose whole property and character must be not only affected thereby but absolutely taken away. This would be literally accusing, judging, and condemning a person *unheard*; which

which is contrary to all law and justice. In the succeeding clause of the act, the menace of prosecution for perjury, appears plainly to be directed against such persons as give false testimony for, or against others; and not for any thing that might be said in a persons own case, where the examination has lasted *three weeks, for four hours every day*; the very idea of which is unreasonable and absurd, and is repugnant both to equity and law.

That your memorialist, however, does not mention this to prevent or avoid any prosecution against him, which, so far from fearing, *he solicits*; as it will enable him to commence that very prosecution for perjury, intended by the act of parliament, against those secret informers, who have privately, maliciously, and under the cover of promised concealment, given false testimony against him.

If a man, upon *ex parte* evidence against him, and even that also concealed from him, is to be deprived of his property, (where in this case compensation for his losses bona fide is) and also of the annual allowances honourably granted him, both by the Lords of the Treasury for his military expenditures and services to government, and likewise by the Commissioners themselves after three open, fair, and full investigations; for God's sake, what is law? or what is equity in England?

Yet, incredible as it might appear, and contrary to every principle of justice, law, and honor, contrary to every maxim of sound policy and upright government, *such* have been the proceedings against your memorialist.

He has been accused by persons, whose names, charges, and information have been carefully concealed from him; whose motives must be base and corrupt, as they did not dare to become informers, until they received *from his judges* a solemn promise of inviolable secrecy, which afforded to falsehood and malevolence their full scope:—yet, without ever hearing the charges against him, or even the names of his accusers, and without a possibility of defence, your memorialist, although perfectly innocent, has been subjected to all the forfeitures and penalties that could have been inflicted upon real guilt, fully proved, in a fair and open trial.

Your memorialist need not insist upon the iniquity, injustice, and illegality of such proceedings, as they must be as apparent, to every person of common understanding, as the light of the meridian sun.

It is evident, therefore, that your memorialist has been hitherto *most unjustly* and *illegally deprived* of compensation for his losses, of his military expenditures, and back pay, &c. and of the allowance of £300 a year, granted him upon the faith of government, until he was otherwise *better* provided for: which, indeed, seems confirmed by what Mr. Pitt expressed to the Duke of Grafton, in 1784, upon the subject of your memorialist's allowance being withheld from him, viz. 'That it was not cut off, but only suspended pro forma.'

Thus it appears, that your memorialist, upon every principle of justice, law, and equity, is fairly and fully entitled, at all events, to his annual allowance being paid him, with all arrears, until such time as the *enquiry before the Board of Treasury be made*, as is expressly directed by the act of parliament, which is evidently unfulfilled until that be done.

That in the year 1785, leaving all the claims, as he then thought, in a fair train of adjustment, he embarked for Jamaica in the West Indies, with his family, intending to settle there in his profession; but a most tremendous hurricane within 16 days after his arrival having destroyed all that he carried there with him, being also attacked with a long, violent and dangerous illness, and being disappointed in receiving his expected compensation, he was obliged to return in the greatest distress; and, since his arrival in England, has, for years, suffered a train of misfortunes and calamities unparalleled, and indeed almost incredible; during twelve months his life was despaired of nine different times.

The peculiar hardship of his case will not appear the less afflicting, when it is recollected, that, in a country, wherein his great grandfather reigned, he himself has been actually reduced to *want bread*, and that by his zeal and exertions in the cause of that country: the non-payment of the money he advanced for government, of his back-pay while a prisoner, and afterwards until the reduction of the regiment, and of the reimbursement promised him for raising £30 chosen men for his Majesty's service after all his property was seized on by the Americans, having reduced him to such difficulties and distress, as he hopes have been unexperienced by others, and are too painful for description.

Although the conduct of his ancestors involved them in misfortune and ruin, and was the natural consequence of opposing the reigning family, let it be remembered, that *his* distresses and ruin have been occasioned by a line of conduct *directly opposite to theirs*;—by loyalty and attachment to his King and Country, in defence of whose just rights he has not only suffered much more than any other person whatsoever, has served in arms with reputation and honor, and has freely shed his blood, but has also been reduced from the most abundant affluence to a degree of distress far beyond description;—his unfortunate family, too, involved in his calamities, have been abandoned to ruin and want, in a distant country, where he, their father, is *proscribed*, on account of his services to this

government,

government, and where *his property has been given up to the enemy by public treaty* as the price of peace. He begs leave also just to observe, that he is temperate even to abstemiousness, having not tasted wine, spirits, ale, or even porter, for seven years past. He is far from being ambitious, and would be easily satisfied; he wishes only for such assistance and support as may enable him to send to America for his two children, and to maintain his family here, not in that affluence he once enjoyed, but in such a line of decent frugality and moderation as he has no desire to exceed.

That, since the reduction of the Queen's Rangers, he has received his half-pay regularly; but his back-pay while a prisoner, viz. from the 5th of November, 1775, to the 26th of September, 1777, has not even yet been paid him:—and, also, that his back-pay in the Queen's Rangers, from May the eighteenth, 1779, to the reduction of the regiment on the twenty-fourth of October, 1783, is likewise still unpaid.

That the claims for back pay, and the reimbursements promised him by the commander in chief for the men he raised by his orders, as well as his military expenditures, and services, not being of the description that comes under the cognizance and jurisdiction of the Commissioners for American claims, he never expected them to interfere therein; for they themselves told him, that the proper application was at the Treasury, where they had already been investigated, proved, and allowed.

Your memorialist, therefore, confiding in that impartial equity, and generous liberality, for which this government has been so highly distinguished, and to which he has certainly established the most ample and well founded claims, prays, that your Lordships will be pleased to take his case into consideration, so that he may be enabled to receive the promised reimbursement for the great number of chosen men he raised for his Majesty's service, at his own expense after he was a captain; together with his military expenditures in the service of government; and his back pay while a prisoner in the hands of the enemy, and afterwards until the reduction of the regiment; these being his undoubted right, separate from, and unconnected with American claims.

That, in regard to compensation for his losses, with the Commissioners Report concerning him, your memorialist prays, that *the farther enquiry* before the Lords of the Treasury, as directed by the act of parliament, be made; and, that your Lordships will be pleased to order him to be furnished with a copy of the said Commissioners report upon his case, the evidence taken thereon,—and the informations against him,—in order that he may be enabled to make such defence, and give such explanations, as may be in his power, by which he has no doubt of being able to establish his perfect innocence.

He farther prays, that his former annual allowance may be paid him, with the arrears, until such time as the *farther enquiry* before the Board of Treasury, directed by the act of parliament, be made openly and fairly, and the law be strictly complied with: which is but *fair*, *proper*, and *just;* as, if, upon the *farther enquiry*, he should be found innocent, the said allowance must be acknowledged to be *justly his due;* and, should the said enquiry even prove unfavourable to him, he is, nevertheless, *certainly*, *fairly*, and *legally* entituled to his annual allowance being paid him, until such time as the law is complied with, and that be ascertained in a clear, open, and impartial manner.

And, as the enquiry and decision may probably take up some considerable time, he humbly and earnestly hopes, that your Lordships will be pleased, in the mean time, to order him a small sum for present relief, which may afterwards be deducted from what will appear to be due to him.

And your Memorialist, will ever pray,

J. FERD. SMYTH.

Charles Street, Cavendish Square,
15th October, 1791.

To G. Rose, Esq. Secretary to the Lords Commissioners of His Majesty's Treasury.

SIR,

As I am hopeful that the Board of Treasury will not consider it as too much trouble to investigate my services, claims, and sufferings,—sufferings, on account of my attachment to this government, *altogether unequalled*, I beg leave to refer to the 2d volume of *a Tour in the United States of America*, from page 161 to the end of the volume; where they are related more particularly than it could be done in my memorial. I hope that each of the Lords will have the goodness to read that part of the book, and, if you could possibly spare as much time, I would be obliged if you could do it also.—Besides this, I have to solicit,

solicit, as a favour, after each of the Lords have read my memorial, &c. (which by public notice may be sent to me, to attend on the day that my case is to be [illegible] before the Board; that I may give every explanation in my power. I beg leave, likewise, through your favourable auspices, to submit the following representations to the Board, and to each of the Lords separately.

For judges to hold forth *promises* of secrecy, favour, and reward, to private informers, and even to *solicit evidence* against any person whose cause they are to decide upon, is a mode of proceeding fraught with every evil.—The Commissioners for American claims were *in fact judges* as well as *jurys*: and *such* was their conduct.—If they were invested with the powers of a court of equity, it was departing from the principles of equity, to hear, and decide upon, *ex parte* evidence, without communicating that evidence, and even refusing to communicate it, or the names of those that gave it, to the only person affected thereby, against whom they were to decide, and whose ruin must be the consequence.—No precedent countenances such a measure; no usage ever excused it; no pursuit after truth can justify or warrant it; equity disclaims it; law rejects it; and no act of parliament authorizes it.—Against judges, armed with powers so unlimited, so absolute, and adopting such a line of oppressive and hostile proceeding against an individual subjected to their authority, and on whose cause they are to decide, what can support or protect him, in such a situation, when his judges become his accusers and prosecutors?

Completely *dependant*, as the American claimants were thereby rendered, and frail as human nature is, there could be no want of candidates for *their favour*, even when dishonour was considered as *merit*, and was secured from *responsibility* and detection, by concealment and secrecy.—By such means has one of the most zealous, active, and meritorious friends of this government, after honorably sacrificing his all, and risking his life a thousand times, in the service of his country, been assassinated in the dark: while the concealed and cowardly assassins have received favours and recompense, and now fatten on the reward of their iniquity and baseness.—If these persons, who gave private and concealed information against any one, (although contrary to all law and equity,) had themselves been treated in like manner, it would have been only *lex talionis*, and they would have little right to complain.—But there can be no pretence or justification for adopting that iniquitous mode of proceeding against a person, who positively declined it against others, and honorably disclaimed it from the first.—Nor can *this be the way* to discover the truth. Persons, who declare the truth, are free, open, and bold; they fear no detection, and seek for no concealment: whilst those, who give false testimony, shrink from the light, dare not face those they have injured; and are gratified by secrecy and concealment, which, while they afford to falsehood and malevolence their full scope, *cover* them from all *responsibility*.—It is not to be supposed, it is *impossible*, that these proceedings could be tollerated by, or known to, the free and liberal government of Great Britain:—proceedings so widely deviating from every principle of her excellent constitution and laws! Such, indeed, as the most despotic and arbitrary government could not countenance, and would be disgraceful even to uncivilized society. Certainly this wise and generous government will not suffer a person whose fidelity and attachment has been most honorable and unparalleled, to be sacrificed by a new judicial process the most partial and oppressive, a court of inquisition unknown before, and hostile to the very principles and letter of her constitution and laws: those admired laws and constitution, that he so zealously defended, and *on which alone*, the high fame of Great Britain has been established. He trusts, therefore, that no advocate for such unconstitutional and unjust proceedings will be found in this country, and that government, now no longer unacquainted therewith, will decidedly discountenance them, and redress his wrongs.

As a British subject, an appellation he has gloried in, he claims redress upon these grounds: when a great part of this empire thought fit to throw off all obedience to Great Britain, and even resisted her lawful authority in arms, he remained faithful and true. When proclamations, in support of this government, were issued by his Majesty's governors, commander in chief, and by the King and parliament, he was *then suffering for his loyalty, a prisoner in a dungeon, and in irons.*

After regaining his liberty by his own exertions, for the enemy refused to exchange him for any rank, he did not remain inactive; his services were as meritorious and honorable, as his sufferings had been unparalleled and severe.

Great Britain, having thought proper to give up her lawful dominion and authority over that part of America, in her wonted justice and generosity, intended to compensate and reward her faithful subjects and adherents, according to their services, sufferings, and losses, which were to be the standard of their merit and desert. The act of parliament appointing Commissioners, &c., was evidently made in kindness and gratitude to the zeal and fidelity, and to relieve the distresses of subjects so truly valuable; but it never could be the intention of that act of parliament, or of this government, to *add* to the distresses of the most meritorious of his Majesty's most loyal subjects, and to reward exemplary fidelity, zealous services, and sufferings unparalleled, with ruin and dishonour. This government never intended to sacrifice

sacrifice men as victims to an inquisitorial court the most unfair, oppressive, and unconstitutional ; a judicial process repugnant and hostile to the very principles of British freedom, to which these men had evinced an unshaken and approved attachment. To violate every principle of a free government, against those very men who had sacrificed their all in its favour, would, indeed be a *refinement*, an *extreme* of injustice and impolicy, which, if made public, must fix an *indelible stain* upon British government throughout the world. Among the multitude of claimants, an inquiry into merits, losses, and just pretensions, was necessary ; but that inquiry, like the generous minds of those who instituted it, ought to have been open, free, and impartial : not *such as it was*, secret, concealed, and oppressive : for, certain it is that not even the *virtue of angels*, unless aided by the *omniscience and perfection* of God himself, could withstand the inundation of prejudice, admitted by such dangerous and unconstitutional proceedings. Borne down by that torrent of prejudice and injustice, where must an injured British subject apply for redress and support, but to that government, for which he has chearfully shed his blood.

If a hostile inquiry was proper and necessary, against claimants, whose fidelity was doubtful, and whose loyalty was not known, it certainly could not either be necessary or proper, against a person whose conduct, principles, and fidelity, were publicly and universally acknowledged to be highly honourable and exemplary. So far was he from wishing for an unjust compensation, that he left his claims entirely to the discretion of the Commissioners, to sink or diminish, to give any thing or nothing, as they thought proper ; which certainly could evince no intention of fraud. And so truly patriotic and pure were his principles, that he would most chearfully have relinquished *his last guinea as well as his life*, at any time, for the good of his country : to the strict veracity of which assertion he solemnly calls God to witness in pledge of his eternal happiness.

To this government, therefore, which has the power as well as the inclination both to prevent and to redress injuries, he applies for justice and relief, with full confidence in that impartial equity and generous liberality, for which it has been so highly distinguished, and to which he has certainly established the most ample and well-founded claims.

The great importance of the subject, I hope, you will consider as a sufficient apology for the length of this letter, it being of equal consequence to the honour and reputation of the British Government, as to,

SIR,

Your most obedient Servant,

J. FERD. SMYTH.

Charles-street, Cavendish-square,
4th November, 1791.

☞ Please to peruse the certificate from James Rankin, Esq. He arrived in London after the Commissioners had closed their report against me, and gave this certificate voluntarily unasked ; and is ready to substantiate the whole upon oath, which must completely clear me of every charge against me, brought before the Commissioners by secret enemies and encouraged concealed informers.

To the Right Honourable the Lords Commissioners of His Majesty's Treasury, &c. &c.

The Memorial of J. Ferd. Smyth, M. D., Captain of the late Queen's Royal Rangers, Captain of the late Loyal American Regiment, Captain Commandant of the late Royal Hunters, and Captain of the late Queen's Rangers,

HUMBLY SHEWETH,

THAT your Memorialist is grateful for the relief of £150 that you have been pleased to order him ; and trusts, that your Lordships are incapable of taking advantage of a compulsive receipt which necessity obliged him to sign : but finding the tenor of his late memorial inadverted to or misunderstood, is under the necessity of laying his case more fully before your Lordships, in hopes that you will be pleased to re-consider it upon the following grounds, which he trusts will appear to your Lordships, a fair, just, and clear statement.

1st. That he is entitled to his pay while a prisoner is most evident ; because the regiment was actually raised, and was then at Detroit in Canada ; because his commission was from the Commander in Chief ; because he was in actual service, before, and at the time he was captured, being under the orders of the Commander in Chief, of the Governor of Virginia, and also of the colonel of the regiment along with whom he was taken prisoner under his immediate command ; and he the said colonel actually received his pay from the date of the same

same commission. Therefore, your Memorialist hopes, that his pay will not be withheld from him, who suffered so much more severely, whose patriotism and zeal were enthusiasm, and induced him to sacrifice his all, and even his health and constitution, with cheerfulness,—with pleasure in the service of his King and Country, and whose services were such, as to be the entire means of preserving Detroit and all Upper Canada to Great Britain. And he farther hopes and trusts, that if, contrary to all probability, your Lordships should be of opinion that he is not entitled to pay during that time, you cannot but consider him as well deserving of a reward much more ample than the value of the pay, for sacrifices, sufferings and services, so meritorious and unparalelled.

2d. That your Memorialist is entitled to reimbursement for his men is most evident, upon every ground; *viz.*, because he was a captain before he raised them; because he raised 287 men after he was a captain, but claims reimbursement for only 230 men, which were incorporated into the rest of the Queen's Rangers, the rest being in the Loyal American Regiment, in which he had a company, and was offered the majority.—All this above is supported by the certificates Nos. 6, 7, 17, 18, 21, and 22, as also by those of General Pattison and General Tryon.

That the men raised by your Memorialist were all selected, at great charge, and with much judgment, as has been proved by their valour and fidelity, having served all the war with the highest character and bravery, and being the very flower of the whole British army, and well worth twenty guineas a man.—That the reimbursement he solicits has never been refused to any officer, and, therefore, he hopes and trusts, it will not be withheld from him alone.

That other officers obtain the rank of captain, for raising only 25 or 30 men, and without service: he hopes and trusts, therefore, that *he*, who has suffered beyond example, and has served most honourably, will not be obliged to raise 230 men, selected too at a great charge, entirely at his own expense, to the ruin of his circumstances:—all for nothing,—for no consideration whatever, not even a step in rank, and this even three years also after he was a captain.

That being taken from a regiment in which he had a company, and could have had the majority, and being ordered by the Commander in Chief to raise those men, upon promise of ample reimbursement, and the exclusive command, on condition of his being careful in the choice of such whose fidelity might be depended upon, no stipulation for any specific sum could be made, as the care and charge in a judicious selection could not be ascertained, he was not limited to any sum; such men as your Memorialist raised being far beyond the value he has rated them at. That his men were mustered, inspected, and reviewed, by the British Adjutant General, the Commander in Chief, and all the general officers in the army, as appears from the annexed letter from General Pattison; an honour that no other troops raised in America, not even the Queen's Rangers themselves, ever obtained. That the excellence and usefulness of his men caused them and your Memorialist to be immediately ordered on the most arduous services, even before they could be clothed: so severe indeed was their service, that they never eat or slept in one place twice in a week: yet they continued faithful and brave to the last.

3d. That your Memorialist raised all those men himself alone, being the quotas of nine captains, and had the nomination of four subalterns, but did not name one, although he refused 700 guineas from a Mr. Anderson to appoint him his first lieutenant. That he distressed his circumstances greatly in raising these men, being also so careful in the selection, that he actually refused three men for every one that he accepted, for he never entertained a doubt of being fully reimbursed.

4th. That your Memorialist submits to your Lordships, whether it is not too hard, too shamefully unjust, that he should be obliged to ruin himself to recruit His Majesty's Army; and also to serve in arms, and to suffer a captivity unexampled in cruelty, in His Majesty's service, by orders and command, without pay?

5th. That your Memorialist is likewise well entitled to pay, until the reduction of the regiment, is most evident. That several other officers were also absent as well as him, and they have all been allowed their full pay. He presumes, therefore, that it cannot be withheld from him *alone*, whose services and sufferings were so far superior to any; who raised more than half the regiment; and whose absence was in consequence of sickness, occasioned by the excessive hardships of most arduous service and of a cruel captivity. That, under such circumstances, if in his absence he was omitted to be returned on the strength of the regiment, the injustice to him was still the greater and more notorious; as even Colonel Simcoe himself has ever acknowledged 'that his character and conduct were in every respect unexceptionable.' Besides, every objection that could arise from that was completely done away, by his being allowed half-pay from the reduction of the regiment. That as to his half-pay, he was fully entitled upon every ground that ever any officer obtained it: *viz.* Upon any one of his four commissions; upon his services; upon his sufferings in captivity; upon his raising only 30 men, being a captain's quota;—upon any one of these he was entitled to half-pay.

6th. That your Memorialist also solicits reimbursment for expenditures to the amount

of £2287, in the service of Government, which are [illegible] for by the annexed certificates, and have already been ascertained before, and allowed by a former Board of Treasury.

7th. That your Memorialist was ordered to be paid £200 a year by the Treasury for military services, of which he is ready to produce the original minute of the Board.

That the American Commissioners, upon a full, open, and fair investigation of your Memorialist's claims, thought proper to allow him £100 a year, in consideration of losses, &c. in addition to his former £200 which he received for military services, expenditures, &c. That the said Commissioners having afterwards commenced hostile proceedings against your Memorialist, upon the grounds of private and secret informations which they solicited against and concealed from him, and having, in consequence thereof, made a report unfavourable to him, by which he finds himself cut off from all compensation for losses, as well as deprived of his whole annual allowance. This, when considered, must appear strikingly unjust and unwarrantable, because the said Commissioners could only have a right to deprive him of the annual allowance of £100, which they had granted him in consideration of his losses, and they had certainly no authority, right, or controul over the £200 a year granted him by the Board of Treasury for military services, &c. as it does not appear that ever these were impeached or disputed, even in secret. Therefore your Memorialist contends, upon the fairest, clearest, and justest grounds, that he is fully entitled to the annual £200, granted him by the Board of Treasury for military services, &c. having been most unjustly deprived of it.

That in regard to the Report of the Commissioners for American Claims, he submits to your Lordships, whether the proceedings against your Memorialist have not been inquisitorial illegal, and unjust, beyond all precedent, and almost beyond credibility? But on this subject he cannot say more than what has been already stated in his memorial of the 15th October, and his letter of the 4th of November last, annexed to it, to which he again refers your Lordships; only, that the suspension of that clause of the Act of Parliament, which expressly authorizes the *farther inquiry* by the Lords of the Treasury, in his case should have been held over his head, *in terrorem*, above seven years, and even when the inquiry was made, which most materially affected his property and character dearer to him than life, that a judicial process against him should have been made, by the Board of Treasury also, without giving him an opportunity of defence, or even informing him what was alleged against him, (of which he is still entirely ignorant) although he was then attending, for that express purpose, with the knowledge of the said Board, if so, is altogether unaccountable and astonishing.

Against such proceedings he appeals to God: to the consciences of his judges!—and to the whole world!—one comfort, however, remains with, and supports him, and of that he cannot be deprived: it is a consciousness of innocence, and of the purest rectitude of heart and intention.

Your Memorialist entreats your Lordships to consider his distresses, brought on entirely by his zeal and exertions in the cause of his King and Country; a debt of £500, incurred by unavoidable expences in captivity: a debt of £1000, incurred by raising 230 of the best men in the British Army: besides military expenditures to the amount of £2287 more: two children in America, and a wife and family in England, depending upon him for support, which cannot be done with the utmost frugality under £250 a year: these, with the interest only of the above debts, unavoidably incurred in His Majesty's Service, amount to £135 annually: his income being under £90 a year, your Lordships must see that he is quite borne down. Being, besides, deprived of all compensation for losses to the value of more than £30,000. He entreats your Lordships to consider his very hard case. Hard indeed and cruel far exceeding all others, and let him not be driven to desperation.

Far from him be every idea of disrespect, or improper motive; yet he hopes, that it may occur to your Lordships, that the man who has performed such actions as he had done, ought not to be sacrificed, or driven to the last extremities. He certainly has every claim upon his country for a decent support, far beyond all others: he beseeches your Lordships, for the sake of humanity justice, and for the honor and character of the nation, let him be no longer borne down by oppression; suffer him not to be driven to despair.—Have the goodness, the equity, to grant him *justice* and *his right*, he requests no more, and flatters himself, that he has now established the indisputable justice and validity of his claims—such, indeed, as appeared perfectly satisfactory to the Board of Treasury, formerly, when every proof was recent, and perhaps more ample than at this distance of time.

Your Memorialist, therefore, prays, that your Lordships will be pleased to reconsider his case, so that he may be enabled to recieve his back pay while a prisoner, as well as afterwards until the reduction of the regiment; also, reimbursement for the men he raised for His Majesty's Service at his own expence; and his expenditures in the service of Government; likewise, the £200 a year granted him by a former Board of Treasury for military services, and expenditures; and the allowance of £100 per annum, ordered him by the American Commissioners, until such time as the Act of Parliament is complied with.

And your Memorialist shall ever pray,

Charles Street, Cavendish Square,
March 12th 1792.

J. FERD. SMYTH.

June 21st, 1792.

To the Right Honourable the Lords Commissioners of His Majesty's Treasury,

The Memorial of [illegible], Esq., M. D., &c. &c.

HUMBLY SHEWETH,

That the Deputy Secretary at War, in pursuance of your Memorialist's request, has been required by the Board to declare his opinion, which he has fully and openly declared to be, "That "as Colonel Connolly" (the present Memorialist) "was a prisoner, and with the same commission your Memorialist was captain of 230 chosen men, your Memorialist certainly ought "to be paid his allowance as captain of those men, or be reimbursed for raising 230 chosen men "for His Majesty's service, to the command of which he was a captain: And that, as he expected the command of the whole, and had before him, he thought it would be more proper "to give his opinion at the meeting, than to refer it again to the Board unasked for."

That your Memorialist claims no reimbursement for his expenditures in the service, and by order of this Government in the year 1775, which have already been examined and allowed by a former Board of Treasury. That the first lord of that Board that granted your Memorialist £200 for the said military expenditures, the Earl of Guilford, (then Lord North) is ready to declare to your Lordships, "That the intention of the Board was for that annual "sum to be permanent, or at least until such time as full reimbursement was made him for "his expenditures, the proofs of which, then laid before them, the Board was perfectly satisfied with." He presumes, therefore, to state, that it is only common justice, either, that he should be paid all the said expenditures, if the £200 a year be taken away;—or, that the £200 a year should certainly be continued to him until the said military expenditures are paid, as neither of them were subject to the Report of the American Commissioners, being both totally unconnected with American Claims, the additional £100 a year, granted by the said Commissioners, being taken away in consequence of their Report, and was all that they could possibly have any controul over.

He also presumes to state, upon legal authority, "the Act of the 23d of Geo. III. Chap. 80, Sect. 3, "that he ought *not* to have been deprived of any part or proportion of his whole allowance of £300 a year until December 24th, 1791,—if then: since, although the Report of the Commissioners in regard to him, was made to the Treasury in 1784, the *further inquiry* before the Commissioners of His Majesty's Treasury, *expressly directed* by the said Act, which must legally precede the said allowance, provision, or compensation, being stopped or cut off, and without which inquiry the law was not complied with or fulfilled, was not made before the 24th of December, 1791;—if then. Therefore, the said £300 a year ought *by law*, as well as *in justice*, to have been continued to him, at least until that time.

That, added to this, the extent of injustice and injury sustained by your Memorialist, he must presume, your Lordships are yet unacquainted with, nor had he himself any idea of until lately. It is, after all his services and sufferings; reduced by wounds to the verge of death, and by his zealous exertions in the cause of his King and Country brought to indigence and distress:—after raising the best, the bravest body of men in the British army at his own expense, which actually occasioned him and his family to want bread:—after commanding them in many a well-fought battle:—after the destruction of his fortune and health—what was left him?—What was his reward?.....Neither promotion, reimbursement, nor recompence!——Nothing whatsoever but his commission in the army, so dearly, so honourably acquired. Yet even that he now finds himself defrauded of! Your Lordships will, no doubt, be astonished at this!— And your sensibility will forgive your Memorialist's strong expressions in declaring, that it is indeed impossible for him to submit to all this oppression and injustice. He would rather suffer a thousand executions, and let the ignominy rest upon those who have sacrificed him, and dishonoured the nation: for under such a pressure of accumulated wrongs, such cruel injuries, death itself, in any shape, must be a relief.

That, understanding it rests with your Lordships to render him *justice* and *his right*, which is all he requests, he begs leave to recapitulate the objects of this application to the Board, as follows:

1st. He solicits for his reimbursements of expenditures advanced in the service, and by order of this Government in 1775, which have already been proved before, and allowed by a former Board of Treasury; and for which the said Board ordered him £200 a year until they were paid.

2d. He solicits for his pay, while a prisoner, in the years 1775, 1776, and 1777, (the greatest part of the time upon *bread and water, in irons, as a character,*) which other officers, from the very same commission, have actually received.

3d. He solicits for reimbursement, or at least his expences, in raising 230 chosen men, after he was a captain, by order of the Commander in Chief known to have been the best and bravest in the British army, for which he has received no consideration, not even in rank:—an act of injustice altogether unparalleled.

4th.

4th. He solicits for his back-pay in the Queen's Rangers, from May, 1779 to the reduction of the regiment in 1783, which his commission, and his receiving half-pay thereon ever since, (not to mention half the regiment being raised by himself alone) very sufficiently establishes.

5th. He insists upon his proper rank in the army, to which he is as well and as honourably entitled as any officer in His Majesty's service, and of which he has been *surreptitiously* and most *unwarrantably deprived*; whereby the honour of His Majesty and of the nation have been most grossly violated.

6th. He solicits the payment of the £200 a year, granted him by a former Board of Treasury until reimbursment was made him for his expenditures: and, he submits to your Lordships, whether the additional £100 a year, allowed him by the American Commissioners, ought not to be paid him up to December, 1791, if that was the time when the Act of Parliament was complied with, the said Act being unfulfilled, and his deprivation of that annual provision being consequently *illegal* until that time, if it has been done at all.

He also begs leave to remind your Lordships, that, on the 24th of December last, the first Lord of the Treasury was pleased to declare, publicly at the Board, " That your Me- " morialist's services appeared to have been very honourable :" by which candid declaration from such high authority, he may be well justified in the expectation, that his reward must be in some degree adequate. However, if, contrary to probability and his expectations, these reasonable and just requests should not be complied with, he then solicits

7th. That all his memorials, papers, letters, and vouchers, may be restored to him; and that he may be granted a copy of the minutes of the Board relating to him and his case; in order that the whole may be laid before the King without further delay.

Charles-street, Cavendish-square,
21st June, 1792.

And your Memorialist will ever pray,
J. FERD. SMYTH.

30th June, 1792.

To the Right Honourable the Lords Commissioners of His Majesty's Treasury.

In addition to my memorial of the 21st instant, I beg leave to state to your Lordships the following facts and observations:

1st. That reimbursment for military expenditures, I should presume, cannot be refused to me, having been already proved before, and allowed by a former Board of Treasury.

2d. That my pay, while a prisoner, surely cannot be any longer withheld; the gentleman, whose opinion thereon was requested by the Board, candidly declaring, " That it " certainly ought to be paid to me."

3d. That reimbursment ought to be made to me for my men is equally clear and decided; the proof of that service having been performed being complete; and my being commissioned to do that service being also proved by No. 15, the certificate of the Commander in Chief, Sir Wm. Howe.

4th. My right to my back-pay in the Queen's Rangers, from May, 1779, to the reduction of the regiment in 1783, is completely established; both by my commission, and by my being allowed and receiving half-pay in that regiment ever since that period.

5th. My right to the £200 *per annum*, until I am reimbursed for all my military expenditures, is clear and evident,——if there is any *faith*, *honour*, or *justice* in this Government: and my right to the additional £100 a year is founded upon legal grounds, *viz.* the same Act of Parliament that has been so unfairly construed, and indeed perverted to operate against me.

In regard to that Act, *viz.* 23d of Geo. III, ch. 80, I beg leave to state to your Lordships, that in the preamble, sect. 1, it positively expresses, " that a diligent and *impartial* " inquiry should be made;" and in sect. 2, the *oath* of the Commissioners expressly obliges them " faithfully, *impartially*, and truly to execute the powers vested in them by the said " Act, &c."

Now I submit to your Lordships' reason and conscience, whether that inquiry can be considered as *impartial*, which not only receives, but courts and solicits private, *partial*, and secret informations against the person whose case is under consideration, which informations the said Commissioners also carefully conceal from the party against whom they are allowed to operate?

I submit to your Lordships, whether it is *possible* for any *men*, even with the virtue of angels, unless aided by the *omniscience* of God himself, to decide *justly* or *impartially* by such a mode of proceeding?

I submit to your Lordships, whether Commissioners, acting in such a manner, so evidently *partial*, unfair, and illegal, after taking such an *oath*, are not themselves absolutely *perjured?*

I need not insist, that such a mode of proceeding is not only contrary to that particular Act of Parliament, but is a direct violation of every principle of the whole body of the laws, as well as the constitution of this country.

I intreat

I entreat your Lordships to consider, what would be said of the decision of any of the courts of law, or equity, upon such a *partial* mode of proceeding?

Your Lordships are perfectly sensible, that there would be no difficulty, or hesitation in obtaining a new trial upon such grounds. And I refer to the act itself, whether any part of it can be construed, or even perverted to convey such a meaning or warrant such a measure? Even sect. 3d., that 'authorizes the Commissioners to examine witnesses upon 'oath,' does not say, or insinuate, that it shall, or may be done in secret, but in that open and fair manner, usual to this country and constitution. In sect. 5th, the part that has been construed against me, although that clause that directs the *farther enquiry* before the Board of Treasury previous to any provision being cut off, may be considered at Whitehall as absurd,—yet however absurd it may be thought there, as it remains in force, that clause ought to be complied with as much as any other part of the act; nor can it *justly* or *legally* be dispensed with.

Therefore I do contend, and I appeal to your Lordships reason and conscienees for the truth of what I say, that I have been *unfairly*, *unjustly*, *unconstitutionally*, and *illegally* deprived of my property, viz. compensation for my losses; and, that the proceedings against me are not warranted by *law* or *equity*.

All that I have stated, however unprecedented and astonishing it may appear, your Lordships *know to be strictly true*.—And I submit to your Lordships, in what light such measures and proceedings must appear to the world, when laid before parliament, and made public, as I shall be compelled to have done, if you should not think proper to afford me that *justice* and *redress*, so evidently my due, and which your Lordships are certainly invested with ample powers to render me.

J. FERD. SMYTH.

Charles Street, Cavendish Square,
30th June, 1792.

An Account of Expenditures, Pay, Disbursements, Back Pay, &c. due from Government to J. Ferd. Smyth, exclusive of being separate and distinct from all American Claims.

No. 1. Abstract of full pay and subsistence due to J. Ferd. Smyth, Esq., Captain of the Queen's Royal Rangers, in which regiment he was taken prisoner on command, on his being sent to Detroit in Canada, on a secret expedition, viz. from November 5, 1775, to 26th September, 1777, being 704 days, at 10s. per day	£352	0	0
Bat, forage, and baggage money for the above time	123	10	0
No. 2. Bounty for 230 chosen men, 5 guineas each, the least ever given; 295 men were raised by Captain Smyth	1207	16	0
No. 3. Abstract of full pay and subsistence due to Captain J. Ferd. Smyth, of the Queen's Rangers, from the 18th May, 1779, to the 25th October, 1783, when the regiment was reduced, and his half pay commenced; 1622 days at 10s.	811	0	0
Bat, baggage, and forage money for that time, 1622 days	283	3	0
No. 4. Account of expenditures in the service of government on command in a secret expedition; cash advanced from Norfolk in Virginia, to the Blue Mountains, and Hagarstown, and back to Fredrick Town, Maryland, under the orders of Lieut. Col. Connelly	45	0	0
Cash advanced for an express to Detroit, by which Detroit and all Upper Canada were prevented from being surprized and seized on by the enemy, by order also of Lieut. Col. Connelly, commandant	45	0	0
Sundry unavoidable expences while a prisoner at different times, both in assisting British prisoners and transmitting intelligence to New York; also in necessary subsistence above a year	100	0	0
Cash advanced in escape from Baltimore to New York, by the way of Chesapeak, Delaware, Summerset, Dorset, Sussex, &c. by which I obtained a perfect knowledge of the country, and brought a representation from all the principal inhabitants to the Commander in Chief, Sir William Howe	45	0	0
Amount carried over	3012	9	0

Amount brought over -	£3012	9	0
No. 4. A horse cost £31 10s.; saddle cost £10 10s.; pistols cost £10 10s.; pocket pistols cost £5 5s.; sword cost £5 5s. - -	3	0	0
Sundry articles of baggage, linen, wearing apparel, buckles, &c. cost considerably more than - - - - - -	52	10	0

These were all taken from me as plunder by the enemy.

The following I was obliged and ordered to leave at Norfolk, when detached on command, in his Majesty's service; and they were either destroyed when the town was burnt, or fell into the hands of the rebels: viz.

A very valuable high bred English mare, in foal by a most valuable horse, for which I have refused £210, (the foal was afterwards sold by Col. Lawson of Princess Ann in Virginia for £490.) - - -	157	10	0
A very fine high bred mare, well worth £52 10s.; an indentured servant man (cost me £30) £12 12s. - - - - -	65	2	0
Home equipments, (cost double) £3 8s.; a very excellent fuzee £10 10s. tents, saddles, baggage, and cloathing worth double £42. - -	60	18	0

All the following were taken by the enemy, when I was captured on command in his Majesty's service.

An extremely valuable imported stud horse, named Smiling Tom, for which I have often refused 600 guineas; and he cleared as a covering horse 500 guineas annually - - - - - -	525	0	0
A most elegant race horse £157 10s.; a most valuable high bred race mare for which I have refused £210 - - - -	367	10	0
A fine race mare for which I have also refused 200 guineas - -	210	0	0
Another fine mare 100 guineas - - - -	105	0	0
350 pistoles in gold, £288 15s., and 160 dollars, in specie, £36 -	324	15	0
An indentured servant for 6 years (cost £30) £15 15s. - -	15	15	0
Baggage, plate, horse accoutrements, saddles, &c. &c. cost near double	52	10	0
A valuable negro groom (a slave) for whom I have often refused 100 guineas - - - - - - - -	52	10	0
The amount in page 18 - - - -	451	10	0
	£5485	14	0
Annual allowance of £200 from the Board of Treasury, for military services and expenditures, due from June 25th 1784, to December 25th 1792, being 8 years and 6 months - - - - -	£1700	0	0
Ditto to Dec. 25th, 1807, being 15 years - - -	3000	0	0
Additional £100 a year, granted him by the Commissioners for American Claims, also due from 25th June 1784, to 25th December 1791, being 7 years 6 months - - - - - - -	750	0	0
Ditto to Dec. 25th, 1807, from December 25th 1791, being 16 years -	1600	0	0
	£12,535	14	0

Interest chargeable on several of the above sums.

On pay -	£475 10s.	from June 1776 to Dec. 1792 is	£392 5s. 9d.	Do. to Dec. 25, 1806.	3151	12	6
Expenditures	2287 0.	from May 1776 to	ditto 1915 7. 3.				
Men - -	971 5.	from Sep. 1777 to	ditto 936 0. 0.				
No. - -	451 10.	from June 1778 to	ditto 327 7. 3.				
Back pay -	1093 17.	from May 1781 to	ditto 631 10. 9.				
					£4202	11.	0.
					£19,889	17	6

From the above, deduct the whole amount of all the allowances ever paid me by government, as follows:

From the 10th Oct. 1779 to the 10th Oct. 1783 200*l.* per ann. 800*l.* 0s. From the 10th Oct. 1783 to the 24th June 1784 300*l.* per ann. 212*l.* 10. Also on the 24th Dec. 1792 allowed by order of the Treasury 150*l.* 0.	1162	10	0
	£18,727	7	6
Balance justly due to J. Ferd. Smyth, as above stated -	£18,727	7	6

Balance due from this government to J. Ferd. Smyth £18,727 7s. 6d. exclusive of all American claims; for loss of property to the amount of above £30,000, besides 64,900 acres of the best land on this globe.

FERD. SMYTH STUART.

The following Vouchers, viz. Affidavits, Testimonials, and Recommendations, in Favour of J. F. Smyth (Ferdinand Smyth Stuart), from

No.

1 The Earl of Carlisle to Lord North.
2 General Sir George Osborn, Bart.
3 The Earl of Dunmore, Governor of Virginia.
4 M.-General Prescott.
5 Lieut. Col. J. Conolly, Commandant Q. R. R.
6 Lord Howe, then General Sir William, K. B. Commander in Chief, &c.
7 Major Grymes, Commanding Queen's Rangers.
8 B. General M'Donald.
9 C. Berry, Chief Judge of North Carolina.
10 R Jones, Attorney-General of North Carolina.
11 J. Mountfort, Treasurer of North Carolina.
12 Dr. H. Mercer, B. General in the American Army.
13 B. Dandridge, Esq. brother-in-law to General Washington.

No.

14 Admiral Earl Howe, Commander in Chief, &c.
15 Admiral T. Totty.
16 Admiral Hotham.
17 Major Stocklen, N. J. V.
18 Captain Kollock, L. A. R.
19 M.-General Trelawney.
20 General the Hon. W. Harcourt.
21 Captain Kennedy.

And Affidavits of

22 Captain Jones, High Sheriff of Somerset County, Maryland.
23 J. Ferguson, J. Molan, J. Owens, G. Garland, and J. Barclay, Loyalists, late Overseers, Workmen, and Labourers in the service of J. F. Smyth, Esq. in America.

*** From No. 1 to No. 26 are all deposited in the Treasury.

Also Certificates from

27 The Hon. Col. Byrd, Member of His Majesty's Council, Virginia.
28 Col. T. Thornton, Col. of Militia, Stafford County, Virginia.
29 J. Plowman, Esq. Judge of Baltimore County, Maryland.
30 and 31 T. Jett, Esq. Merchant, Virginia, and J. Young, Esq. Merchant, Maryland.

Besides

32 Public Thanks from the Commander in Chief, by Adjutant General Pattison.

And the strongest Recommendations from

33 The Hon. A. Elliot, Governor of New-York.
34 The Hon. M. General A. Leslie.
35 The Hon. M. General Tryon, Governor of New-York.
36 Lord Viscount Stormont, Earl of Mansfield.
37 Lord North, First Lord of the Treasury.
38 Duke of Richmond.
39 Duke of Grafton.
40 Duke of Montague.
41 Sir Richard Jebb, Bart. M D.
42 General Sir George Osborn, Bart. 3d time.
43 General the Hon. W. Harcourt, 4th time.

Being, from December 3d, 1773, to May 30th, 1806, above 33 Years.

*** *All the originals are either in the Treasury, or ready to be produced by*

FERDINAND SMYTH STUART.

No. 24. *RECOMMENDATION from the Hon.* PEYTON RANDOLPH, *Esq, then Speaker of the* Assembly *of* Virginia, *and afterwards the First President of the Congress at* Philadelphia.

THE Bearer, Dr. *J. F. D. Smyth*, practised Physic in and near *Williamsburg* with very much Approbation: His personal Merits and private Virtues entitle him to the warmest Recommendation of any of his Friends as well as myself, and to the Esteem of all who may be acquainted with him, as well as his Skill in his Profession. I have heard his late Excellency Lord *Botetourt* say, That Dr. *Smyth* was of one of the best Families, and was very nearly related to many of the first Nobility in *Great-Britain*; and his Excellency always treated him with the highest respect.

PEYTON RANDOLPH, Speaker of the
House of Assembly, Virginia.

Williamsburg, December 3, 1773.

No. 25. *CERTIFICATE from Colonel* A. LEWIS, *of* Virginia, *now a Major-General in the* American *Army.*

I Certify, that the Bearer, Capt. *J. F. D. Smyth*, at the Head of his Company distinguished himself in a very particular Manner in the Action against the *Shawnese Indians*, &c. on the 10th of *October*, 1774, on the Banks of the *Great Khanhawah*, and that the Success of the Day was in a great Measure owing to his spirited Conduct and Gallantry.

ANDREW LEWIS, Colonel, commanding the
Western Virginia Troops.

No. 26. *CERTIFICATE from* JAMES RANKIN, *Esq. Member of the Assembly or Parliament of* Pennsylvania, &c.

I *JAMES RANKIN*, Esq. late Member or Representative for the County of *York*, in the Province of *Pennsylvania*, &c. do hereby certify, That the Bearer, *J. F. D. Smyth*, Esq. late of the Province of *Maryland*, had the Misfortune of being early distinguished for his Loyalty to his Majesty, and for his strong attachment to the *British* Government: That in the Years 1775, and 1776, he made such extraordinary Exertions in that Cause, and encountered such a Series of Hazards and Hardships, as are unparalleled, and commanded the Astonishment and Respect even of his Enemies, particularly the Congress, who, on that Account, after failing in every Endeavour to corrupt his principles and gain him over to their Interest, treated him with the most extreme Rigour and Barbarity, holding him up *in terrorem* to prevent others from following his laudable Example: That in *January*, 1776, he was brought Prisoner, under a strong Guard, through the County of *York*, where I resided, and being lodged at Night in *York-Town* Prison, he was in great Danger of being murdered by the Ruffians of that Place, who then composed his Guard, firing through the Prison upon him: That afterwards, when he was confined in the Prison of *Philadelphia*, on a Complaint from him of the unsupportable Cruelty of his Treatment, a Committee being appointed to inspect, examine, enquire into, and investigate every Particular concerning him, I, being then a Member of the legal Assembly constitutionally sitting at *Philadelphia*, accompanied the said Committee in all their Inquiries, Inspections, and Investigations; *I then saw, and do now certify*, That he (Captain *Smyth*) boldly avowed his Principles, and behaved with the utmost Propriety, Firmness, and Resolution, before the said Committee, when others, in the same Situation, shrunk from their Cause, or were silent; and his steady avowed Sentiments, and intrepid Conduct, gave me and all the Rest of the Friends of Government infinite Satisfaction and Comfort: *I also certify, That then, after every Inquiry concerning him, on the Spot where he was well known, and by those who would have rejoiced to have been able to find or produce any Thing bad, mean or unworthy against him, that nothing whatever of that Kind, or in any Manner dishonourable, or to his disadvantage, could be discovered, or was ever alledged against him, his universal Character being highly respectable, and without Blemish*, excepting his being a zealous Friend and Defender of his Majesty's Government, for which he was then suffering, and as such was deservedly esteemed by all true and faithful Loyalists, but equally hated and dreaded by the *Americans*, to whom, on the above Account, he was particularly obnoxious: That his Sufferings and Hardships afterwards, during his Captivity, as well as in a most hazardous Escape, were *beyond Example, and almost too much for human Nature to support*: That being compelled myself to abandon my Home, I was in *Philadelphia* when he raised and commanded the Corps of *Royal Hunters*, afterwards attached to the *Queen's Rangers*: That I was also acquainted with him on Service, as well as in *New York* and *Long Island*, until his Return to *Britain* from *America*, where his Conduct and Character, in every Respect and Situation, were always unexceptionable, and highly esteemed.

Upon the whole, I am confident that no Person whatsoever has suffered more severely, or made more arduous exertions in the Cause of *Great Britain* than he has.

Given under my Hand in *London*, this 13th Day of *September*, 1784.

JAMES RANKIN,
of Mill-Hill, Hendon, Middlesex.

From No. 1 *to No.* 26 *inclusive have been examined and are True Copies compared with the Originals deposited here.* } *T. UNCLE, 1st Clerk.*

Treasury, Whitehall, American Office, } *September* 13*th*, 1784.

THE Memorial to the King, with the Case annexed, was presented to His Majesty at his first Levee, in December, 1792, and graciously received: and very soon afterwards General Delancey, (then Inspector of Public Accounts), applied officially to me on that subject, proposed for me to present another Memorial to the Board of Treasury, according to the Instructions he would give, and accompanied with such additional proofs and vouchers as he considered necessary; and said, that then there could be no doubt of success. In consequence of this, the following Memorial was presented under his Directions by

J. FERD. SMYTH.

To the Right Honourable the Lords Commissioners of His Majesty's Treasury, &c.

The Memorial of J. Ferd. Smyth, M. D. Captain of the late Queen's Rangers, &c.

HUMBLY SHEWETH,

THAT having presented a memorial to His Majesty, in person, on the 5th of December last, which is now under consideration; and having procured such additional proofs and vouchers as were said to have been deficient before, and completely establish his claims, he presumes to flatter himself, that the prayer of the said memorial will be complied with, and, for that end, he submits his proofs and his claims to the consideration of the Board, briefly, as follow:—

1st. He solicits for reimbursement of expenditures in the service, and by order of this Government in the year 1775, which have been already proved before, and allowed by a former Board of Treasury, and for which the said Board ordered him £200 a year until they were paid.

2d. He solicits for his pay while a prisoner in 1775, 1776, and 1777,—the greatest part of the time upon bread and water, in irons and in a dungeon, which other officers from the very same commission, but without his severe sufferings, have actually received:—and the D. Adjutant General (whose opinion was required by your Lordships) candidly declares, *upon the subjoined additional proofs*, that it ought to be allowed him.

3d. He solicits for reimbursement of his expenses in raising, by order of the Commander in Chief, after he was a captain, 185 *chosen men*, proved and known to have been the best and bravest in the British Army, besides 45 in the Loyal American regiment, being 230 men, for which he has received no consideration, not even a step in rank:—The proofs of that service being done are complete; and his being commissioned to perform that service is ascertained by the annexed certificate of the Commander in Chief, Sir William Howe.

4th. He solicits for his back pay in the Queen's Rangers, from 1779, to the reductionof th regiment in 1788, which his commission, and his receiving half pay therein ever since that period, (not to mention *more than half the regiment being raised by him alone*) completely establish:—And if he has been omitted in the returns during that time, the injustice of the omission was so cruel and notorious, that it *adds to the weight of the claim*, the annexed vouchers proving that his absence was with leave, and occasioned by wounds and extreme illness produced by long and rigorous captivity, and most severe service.

5th. He insists upon his proper rank in the army, to which he is as justly and as honourably entitled, as any officer in His Majesty's service, and of which he has been surreptitiously and most unwarrantably deprived, as is fully proved by the above-mentioned certificates, whereby the honour of His Majesty, and of the nation, have been most grossly violated.

6th. He solicits for the payment of the £200 a year, granted to him by a former Board of Treasury until reimbursement was made him for his expenditure. And, he submits to your Lordships, whether the additional £100 a year, allowed him by the American Commissioners, ought not legally and justly to be paid him up to December 24th 1791?—if that was the time when the Act of Parliament was complied with; the said Act being unfulfilled, and his deprivation of that annual pension being consequently illegal and unjust until that time. For his right to the £200 a year, until he is reimbursed all his expenditures is clear and evident, if there is any faith, honor, or justice in this Government. And his right to the additional £100 a year is founded on legal grounds, viz. the same Act of Parliament that has been so unfairly construed, and indeed perverted to operate against him:—in regard to which he begs leave to refer to his memorrial of the 30th June last. And

7th.

7th. He makes an offer of his zealous services and exertions, in every respect, at this critical period, in support of Government against all enemies, both internal and foreign. He holds the tenets, principles and conduct of the present detestable demagogues of France in the utmost abhorrence; and shall always be ready to sacrifice his life, as he has already done his fortune, in support of His Majesty and our excellent Constitution. He has ever discountenanced the seditious publications so industriously spread through the country. He detests the ignorant incendiary T. Paine, whose writings in America *he* completely confuted. He foresaw the necessity of and recommended Associations in support of Government, five months ago, and immediately subscribed to that of the parish of St. Mary-la-bonne, wherein he resides. He most cordially approves of all the active and spirited measures taken by Administration in support of Government. To conclude, if approved and incorruptible fidelity and zeal were ever estimable, he should presume, that at present, and in such times as these, they must be an acquisition not to be disregarded, when accompanied by military talents, veteran services, and other merits sufficiently known.

Charles Street, Cavendish Square.
6th February, 1793.

J. FERD. SMYTH.

The additional proofs required are hereto annexed, of which the originals are ready to be produced.

*** Besides the strongest testimonials and recommendations from

Beverley Robinson, Colonel Loyal American Regiment, and of Guides and Pioneers.
B. Robinson, jun. Lt. Col.
Th. Barclay, Major.
R. W. Stockton, Major, N. J. B.
J. James, Capt. B. L.
N. Vernon, Lt. B. L.
S. Kollock, Capt. L. A. R.
S. Colbourn, Lt. L. A. R.
W. Atkinson, Lt. Q. R.
Samuel Smith, Lt. Q. R.
A Dunham, Capt. N. J. V. and Ast. B. M.
S. Wilmot, Capt.
C. Fowler, Lt.
Robert Robinson, Esq.
Cort. Skinner, B. General N. J. B
J. Allan, Esq.
G. Brewerton, Col. B. Gen. Delancey's B.
R. Hewlett, Lt. Col.
G Turnbull, Lt.Col. Comd. N. Y. V.
S. Shoemaker, Esq. Mayor of Philadelphia
N. Vernon, Esq. Sheriff of Chester County
S. Biles, Esq. Sheriff of Bucks County
J. Hill, Esq. Magistrate and Member of the Assembly for Sussex County.
J. Rankin, Esq. Magistrate and Representative for York County.
W. Goodridge, Esq. Merchant, Norfolk.
J. Forrest, Esq. Merchant, New York.
Rt. Cooper, Esq. Merchant, Philadelphia and New York.
T. Rutherford, Col. N. C. L.

And the following.

From Sir Archibald Campbell, K. B. &c. late Governor, to General Clerk, Governor of Jamaica, Chief Justice Grant, and Secretary Dunlop.

London, April 6th, 1785.

Dear Sir,

I HAVE a particular satisfaction in introducing to your acquaintance and friendship, the bearer, Dr. Smyth, who is highly spoken of, suffered much in America on account of his Loyalty, and is, in every respect, truly deserving.

Being bred to physic, I have persuaded him to pursue the line of his profession in Jamaica, and every favour and friendship you are pleased to confer upon him will particularly oblige,

Dear Sir,

Your most obedient and humble Servant,
ARCH. CAMPBELL.

P. S. I have given him the strongest recommendation to all my friends, who I hope will interest themselves in serving him which I will consider as serving me in the most essential manner.

From

From Stephen Fuller, Esq. Agent for Jamaica to Dr. Clarke, of Jamaica.

London, May 26, 1785.

My Dear Doctor,

THIS will be delivered you by Dr. J. F. Smyth, a gentleman who was educated under the same master (the late Dr. Gregory of Edinburgh), with yourself, and one whose eminent merit and great sufferings will recommend him as much as I can do to your particular favour and protection.—As a man of letters I interest myself greatly in his well doing, and hope the encouragement he will meet with in our island will put an end to those sufferings and misfortunes of which he has had so much more than his share.

I am,

My dear Doctor,

Your most obliged, and most obedient humble Servant,

STEPHEN FULLER.

Certificate of Col. Innes, Inspector General of Provincial Forces, that Lieutenant Colonel Conolly received his Pay while a Prisoner.

January 10, 1793.

SIR,

I RECEIVED your letter, and, to the best of my remembrance, can say, that Lieutenant Colonel John Conolly did receive a sum of money at New York, by order of the Commander in Chief, on account of pay he claimed when a prisoner with the Americans.

I am,

SIR,

Your most humble Servant,

ALEX. INNES.
Late Inspector of Provincial Forces in North America.

Capt. J. F. Smyth.

Certificate of Mr. R. Dennison, Surgeon, Apothecary, &c. of the Illness of Captain Smyth, under the care of Sir Richard Jebb, Bt. M. D.

I RICHARD DENNISON, Surgeon and Apothecary, &c. of Duke-Street, Manchester-Square, do certify, that Capt. J. Ferd. Smyth was in a very bad and indeed most dangerous state of health, from the year 1780, when he arrived in England from America, to the year 1785, when he sailed for the West Indies.

That in the years 1780, 1781, 1782, and 1783, his wounds broke out again three different times; and he was also so ill with a complaint in his lungs, that the late Sir Richard Jebb, M. D., at one time actually pronounced that he would not survive above six weeks. —This I am enabled to certify by attending him as a surgeon, dressing his wounds, and preparing his physicians' prescriptions.

R. DENNISON.

Duke Street, Manchester Square,
21st *January*, 1793.

Certificate of Mr. M. Cotton, of the Illness of Capt. Smyth.

I MATTHEW COTTON, of Lambeth, a Ruler of Waterman's Hall, &c. do certify, That in the year 1781, Capt. J. Ferd. Smyth lodged at my house, being very ill, under the care of the late Sir Richard Jebb, M. D. with little hopes of recovery: and that he continued in a very bad state of health for two or three years afterwards.

MAT. COTTON.

21st *January*, 1793.

Certificate of Mr. P. Copland, of the Illness of Captain Smyth.

I PETER COPLAND, No. 5, James Street, Grosvenor Spuare, do certify that Captain J. Ferd. Smyth was in a very bad state of health from the year 1780, when he arrived in England from America, to the year 1785, the time that he sailed for the West Indies.

PETER COPLAND.

January 21st, 1793.

Letter from Colonel De Lancey, Deputy Adjutant General.

SIR, *Hertford-Stret, January* 7, 1793.

I HAVE received your letter of the 5th instant, and have taken the leisure which yesterday, being Sunday, afforded me, to read over your memorial, which I return herewith. I, at the same time, feel it necessary to state to you the grounds on which the opinions were formed which I gave to the Lords Commissioners of His Majesty's Treasury, when I was called upon last year, relative to some of the military claims contained in your memorial then before them.

The first Article stated to me was a charge for pay as Captain in the years 1775, 1776, and 1777, on a commission granted by General Gage, but which commission was lost when you were taken prisoner.

Upon the question relative to the practice of the Army, I stated, that it was customary for commissions to take effect on the engagements, under which they were procured, being fulfilled, that no documents being shewn to prove that this was the case, your claim to be compensated arose from the very rigorous captivity you are stated to have suffered, in which opinion their Lordships appeared to coincide; but as you have informed me since, *that Colonel Conolly, who was exactly under similar circumstances, had received his pay*, THERE CAN BE NO DOUBT *but in that case the same* SHOULD BE EXTENDED TO YOU.

The next charge mentioned to me was for bounty money at £ 5 5s. for 185 men raised by you in the year 1777, in the Queen's Rangers, besides 45 in the Loyal American regiment, and being asked what was the custom in such cases, I informed their Lordships, that there were two modes of raising recruits for the army; the one was by a stipulation for rank on completing a specified number of men, the other for an allowance of bounty for each recruit; that this depended entirely on the discretion of the Commander in Chief, who alone could decide thereon; and, in the present case it became more necessary to have his intentions explained, as the men were stated to be raised on a different footing from the Provincials, and the bounty exceeded very considerably what was given to them at that time. The decision of their Lordships upon this question I understood turned upon the documents produced, not proving what the intentions of the Commander in Chief had been on this head. This, however, as I before mentioned to you, and still think may be very easily settled by an appeal to Sir William Howe. (whose certificate is now produced).

The next question stated to me was your claim for back pay from the year 1779, when you left America, to the end of the war when you were placed upon half pay, and to which, I understood, was also annexed a claim for rank in the Queen's Rangers, which had been placed on the British establishment. To this question my answer was that alone which I could officially give, viz. That you had not been continued on the returns of the regiment, and that you were not in the list which was given in by the Commandant. But the causes from whence these circumstances have arisen must, of course, rest with those from whom the measures themselves originated. I can only state the facts, and the necessity you was under of applying, at the end of the war, for half pay, is a farther proof of the omissions.

With respect to your half pay, your application, among others, was submitted to me a short time after I came to England, and I had then no hesitation in saying, that you appeared to me to have had a sufficient claim to justify your being placed on the first list which was given in by His Majesty's Secretary at War.

The foregoing claims were those only which the Lords of His Majesty's Treasury thought proper to communicate to me. The matters relative to the proceedings by a former Board, on which the pensions you received were granted, and the causes of their being resumed, as well as the conduct of the Commssioners of American claims upon those you had made for reimbursement of the loss of your property, were neither mentioned to me, nor if they had been, was I at all competent to give any information thereon.

I have the honour to be,

SIR,

Your most obedient Servant,

Captain J. F. Smyth. C. DE LANCEY.

Letter to the Rt. Hon. William Pitt, First Lord of the Treasury, &c. &c.

July 25, 1795.

SIR,

I WAS justly dissatisfied at the decision of the Board of Treasury on my case in December 1791, because it was founded upon a mistaken opinion of the Deputy Adjutant General, which was obtained from a partial, or rather *not a full* statement to him, and he afterwards *retracted* and *corrected* that opinion; yet the decision of the Board of Treasury was not altered although founded on that erroneous and retracted opinion. In consequence of this, after repeated exertions to obtain redress, I preferred a memorial to the King, with a full statement of my case, in December 1792. In a short time afterwards, the said Deputy Adjutant General applied to me officially on the subject of my said memorial, and, after having maturely considered the whole case, pointed out to me the additional proofs that he said would be necessary for me to produce, advised and directed the last application and memorial to the Board of Treasury, which he himself dictated, and did not hesitate to pronounce his opinion of its entire justice and expected success.

I had intended to have laid a petition, with my case in full, before the House of Commons, through the medium of Mr. Grey; but, upon the opening of the sessions, I found that Gentleman's political opinions so totally different from mine, that I concluded to solicit that favour of Mr. Windham, whose sentiments I found to coincide with my own, and, for that purpose, made application to him:—but Colonel Delancey taking up my case, officially, as he did, and, as from what he said and the additional proofs, and the measures he officially directed me to pursue, I could not doubt of succeeding; and, besides, I did not wish to to agitate the public mind with so strong, so extraordinary a case as mine at that very critical time, not doubting, but that my moderation under the heavy grievances I had so long sustained, and my zeal in suppor of Government, would have operated so far in my behalf as to have obtained me justice and my right, which is all I ever sought for, together with a prompt and immediate decision: for it never entered my mind to be distrustful of Administration, or that they could intend or adopt procrastination and delay. In this full and honest hope and confidence I rested, without teazing or troubling the Board of Treasury with applications, until this week, when, to my great surprize, I found upon investigation, that my memorial to the Treasury, officially directed and dictated by the Deputy Adjutant General, in consequence of my memorial to the King in December last, had not been laid before the Board, and, that my business was advanced no farther than the day it was presented six months ago. As I understand that it is to be submitted to the Board this day, I thought it was proper and necessary to mention the above circumstances to ensure that justice and redress which I have so long solicited; for I should be loth, at this, or indeed any other time, to be under the necessity of laying a case so strong and with such extraordinary circumstances as mine before the public.

I have the honour to be, with respect,

SIR,

Your very obedient Servant,

J. FERD. SMYTH.

To the Rt. Hon. William Pitt, First Lord of the Treasury, &c. &c.

13th April, 1795.

SIR,

I MUST say, Sir, that I think I have a *right* to as much of your time and attention as is necessary to render justice to my claims. If you, Sir, are serving our King and Country in a situation of high honour and great emolument, you ought not to forget that I have served our King and Country, with as much zeal and fidelity, in a situation of ten thousand times more personal danger and fatigue, and in a manner, that you yourself, Sir, at the Board of Treasury, publicly acknowledged to be *'highly honourable'*—yet, not only without the thousandth part of your emoluments, but also without reimbursement of my expenditures and just claims, or even my poor pittance of pay, while a prisoner *in irons in a dungeon*, in the service of my King and Country, near twenty years ago, being paid, *even yet*; although the whole was allowed and ordered to be paid, by a former Board of Treasury, previous to your administration.

Indeed

Indeed MY claim on your time and attention is rendered still stronger by you being the sole cause of all this, for which I have the authority of Mr. Rose; consequently, notwithstanding your own acknowledgement '*that my services were very honourable*,' *you* have been the entire occasion of all my sufferings and distress.

I entreat you, Sir, to consider that justice is impartial: that when you thought it necessary to request Colonel Delancey's opinion in my case, it ought to have had as much weight *for me* as against me; and when, upon a partial statement, he gave an erroneous opinion against me, which he immediately and openly retracted upon a full statement and fair investigation of my case, and then gave his opinion decidedly in my favour; it was that *last opinion alone* that ought to have been *adhered to*; yet, notwithstanding that, you have, for almost three years, persisted in the injustice of enforcing the erroneous and retracted opinion against me; and have refused to notice the same gentleman's *fair* and *just opinion in my favour*, so often pressed upon your attention.

Is it possible, Sir, to reconcile this conduct to equity, justice or law? or can I be blamed for asserting, that I have been unfairly and cruelly treated? when my entire ruin has been the consequence. Will it not appear, to an impartial observer, that there must be some hidden cause of resentment against me, some private personal motive (of which for my part I profess my entire ignorance) that preponderates against every claim of merit, of equity, and of justice. Am I to be censured for endeavouring, by every fair means, to discover that hidden cause or motive of personal animosity? Can I do otherwise than insist upon a reason, or some shadow of a reason, being given for such treatment, and bringing the matter to a crisis? For, to you, Sir, it seems, I am to look for the cause of all my oppressions, and of all their attendant distresses.

In regard to the report of the Commissioners for American claims, my treatment has (if possible) been still more cruel, unjust, and oppressive; for even the law itself has been *perverted*, *violated*, and *dispensed with*, for the avowed purpose of my prejudice and ruin. If the American Commissioners made a report against part of my claims, where was the justice of depriving me of the whole? If a part of the law was enforced against me, why was that part of the same Act of Parliament *dispensed with* which expressly states, 'that a farther 'enquiry shall be made,' and would have enabled me to have answered, and to have defended my innocence against every concealed charge that has been *secretly* brought against me? which part of the law ought to have been complied with, and fulfilled, before either my annual allowance or compensation for my losses had been witheld.

If I have been considered as guilty of any crime, I solicit and entreat for prosecution, and the most severe punishment:—but, for the sake of national honour and justice, let me not be punished without conviction, without defence, without trial, as you know, Sir, I have been for eleven years past.—A climax of iniquity! a series of the highest degree of injustice and protracted oppression that can be committed!—so extremely barbarous and insupportable, that, to a feeling mind, even death itself, in any shape, would be mercy and kindness compared to it.

Sir, It is for *justice*, not favour that I solicit. In my case I can see no difficulty; it is so plain and clear that it may be brought within a very small compass, to a child's understanding and easily determined, viz. in the fair and equitable manner following.

As to such parts of my military claims as Colonel Delancey's opinion has been asked for, viz. my back pay while a prisoner and afterwards, let that gentleman's opinion decide upon them. As to my claim for reimbursement for raising 230 men at my own expense, and for military expenditures in His Majesty's service, if there appears to you, Sir, any difficulty in them, let that gentleman also, or indeed any other, decide upon them likewise.

In regard to my business before the American Commissioners, let the *law be fairly* and *strictly complied with*.—As I complain of their injustice, and the *secret inquisitorial* proceedings of a tribunal that, I contend, has *deviated from* and *exceeded* the powers vested in them by the Act of Parliament that appointed them,—in *receiving* and *soliciting* private informations and *secret* charges against persons on whose cases they were judicially to decide; and even *their concealing* those charges, as well as the names of the accusers, from the unfortunate persons accused, against whom, upon this *secret exparte* evidence, they have actually decided, *without affording them an opportunity of defence* which is allowed even to felons and murderers. Although the said Commissioners, by their oath, were sworn to decide *justly* and *impartially*. —But, is it not impossible, Sir, for any man, even with the virtue of Angels, unless *aided* by the *omniscience* of God himself, to decide justly, or impartially, by such a mode of proceeding? which is evidently unfair and *partial* in the extreme, as well as *unconstitutional*, *illegal*, and *unjust*:—and no one will hesitate to pronounce, that Commissioners, acting in such a manner, after taking such an oath, are themselves *absolutely perjured*. And such, it is notorious, was their conduct.

Let the tribunal, therefore, the law directs, be appointed to judge, viz. *any three Lords of the Treasury*.' Let the charges against me be fairly avowed and communicated; and, after hearing my defence, let that tribunal determine. But, until that part of the *law* be complied with, I am legally entitled to a continuance of my annual allowance, and to a proper compensation for my losses.

Should

Should the decision be in my favour, (as in such a fair method I cannot have a doubt but it would), I should then receive what is justly due to me. Should the decision be against me, *then* let the allowance and compensation terminate finally: and, if there should appear just grounds for any accusation, let me be prosecuted, and punished, if found guilty, after a fair trial, with every possible severity.

This, Sir, would be fulfilling the law, and, should it prove favourable, or adverse, would afterwards preclude any grounds of complaint on my part.

I flatter myself, that what I have proposed will appear reasonable, fair, and just: but, from the causes herein stated, I find myself compelled to press again for the favour of an interview, whereby more may be discussed and determined in half an hour, than by fifty letters in six months.

I have the honour to be,

SIR,

Your most obedient Servant,

FERD. SMYTH.

THE FOLLOWING WAS AFTERWARDS PRESENTED.

To the Rt. Hon. The Lords Commissioners of His Majesty's Treasury.

5th April, 1795.

The Memorial of J. FERD. SMYTH, Esq. &c. &c.

HUMBLY SHEWETH,

THAT your Memorialist was possessed of the following tracts or surveys of lands in America, to the quantity of 64,900 acres, inferior to none in excellence of soil and of situation. That the boundaries granted to the Americans having included all the said lands, and your Memorialist being distinguished for his zeal and activity in the cause of Great Britain, has thereby lost them, being forfeited to the Americans. That in the year 1780, your Memorialist being then in London, but under orders to return to America, and, as the service he was in, put his life in continual risque, being constantly engaged in action generally six and always five days and nights every week, he left the surveys, patents, &c. in the hands of Lord Southampton. That in the year 1784, when he called on his Lordship for them, they were all mislaid or lost, nor could they be found by every research made after them by his Lordship, therefore, it was not in your Memorialist's power to lay any estimation of their value before the Commissioners of American Claims, only a list of their contents and situation, although Lord Southampton then gave a certificate that he remembered a number of surveys and patents of lands had been put in his hands by your Memorialist, as annexed. Since then, viz. on the 16th of last January, his Lordship has fortunately found and returned the said surveys to your Memorialist, and they are now ready to be laid before the Board.

Your Memorialist therefore prays that your Lordships will be pleased to take this into your consideration so as to grant him such recompence as in your wisdom may be thought proper, or such a proportion of lands in Upper Canada, in lieu of them, as may be considered in some degree adequate, which your Memorialist would immediately proceed to settle, cultivate, and improve.

FERD. SMYTH.

Presented also to his Grace the Duke of Portland.

Copy of a Letter from Lord Southampton to J. Ferd. Smyth, Esq.

SIR,

I RECOLLECT that you left in my hands several surveys and patents, or grants of lands belonging to you in America, on the Mississippi and its branches, according to the list below, when you were going abroad in the year 1780; and, although I have searched for them at your request, since your return, I have not as yet been able to find them, being mislaid.—You may produce this letter to the Commissioners.

I have the honour to be, with great regard,

SIR,

Your most obedient Servant,

SOUTHAMPTON.

Stanhope Street, 21st April, 1784.

J. Ferd. Smyth, Esq.

List of the Surveys and Patents, or Grants of Lands left in the Hands of Lord Southampton, belonging to J. Ferd. Smyth, Esq., in August, 1780.

FIVE TRACTS OF LAND IN VIRGINIA, viz.

		Acres.
No. 1,	A tract on Sandy-creek, Monongohala river, - - - - - - containing	9000
2,	A tract at the confluence of Beaver-creek and Ohio river, now (Old Logstown)	3000
3,	A tract on the Ohio, at the Streight Reach - - - - - - - - - -	2000
4,	A tract on the Ohio, at the Big Bend - - - - - - - - - - - -	16000
5,	A tract on the Ohio, at the mouth of Sandy-creek - - - - - - - -	9000

FOUR TRACTS OF LAND IN VIRGINIA, (besides the above), viz.

No. 6, & 7,	A tract on the Ohio, at the lake, 1500 acres; another opposite, 500	2000
8,	A tract called Skakado, at the confluence of Great Ouabache and the Ohio	2000
9,	A tract on the Ohio, at the confluence of Cherokee river - - - - - -	3000

FOUR TRACTS OF LAND IN CANADA, viz.

No. 10,	A tract on the Mississippi, at the mouth of Grand Isle river - - - - -	2000
11,	A tract on the Mississippi, at the mouth of St. Anthony's river - - - -	2000
12,	A tract on the Illonois river at the lake, - - - - - - - - - - -	1200
13,	A tract opposite, at the mouth of Hemocoon river - - - - - - - - -	1800

ONE TRACT OF LAND IN NORTH CAROLINA, viz.

No. 14,	A tract at the confluence of the Cherokee river and the Mississippi - - -	3000
15,	A tract on the Mississippi at the mouth of Soto river - - - - - - - -	900

FOUR TRACTS OF LAND IN WEST FLORIDA, viz.

No. 16,	A tract on the Mississippi, 20 miles above the mouth of Yassou - - -	1000
17,	A tract on the Yassou river, at the mouth of Reedy-creek on Line river	3000
18,	A tract on the confluence of Yassou, and the Mississippi - - - - - -	2000
19,	A tract on the Mississippi at Old Natches - - - - - - - - - - -	2000
	Acres - - -	64900

Certificate of William Reed, for Lord Southampton.

January 16th 1795.

I CERTIFY that Lord Southampton returned all the surveys of lands upon the Mississippi and Ohio, and their branches, belonging to J. Ferd. Smyth, Esq. mentioned in his printed memorial, which surveys (with the patents), were left with Lord Southampton in the year 1781, when Captain Smyth went abroad, and were mislaid until now.

Certified by me the 16th January, 1795, being delivered to me by Lord Southampton for Captain Smyth. But the patents were not returned.

WILLIAM REED.

AFTER presenting another memorial on July 29, 1795, Ferdinand Smyth Stuart was induced to go abroad again the same year, in the service of Government upon receiving assurance, from very high authority, that his claims, so far from being weakened, would be strengthened thereby,—was shipwrecked three times in Admiral Christian's fleet bound for the West Indies, in 1795, and 1796; was at the capture of St. Lucia, was at Martinique, and was in St. Domingo when 7600 British troops died in one month with the yellow fever, which he also had then, and afterwards in the same year a second time in his journey through America. That he had the happiness of stopping the mortality of that dreadful malady at that time: and, after his return to England, gave in proposals for the conquest of New Orleans and all Louisiania, to the War Secretary, who entirely approved of it as a measure of the very highest importance and he was to command the expedition—but in the mean time Buonaparte had obtained it from Spain by negociation, and sold it to the Americans, &c. &c. &c.

FERD. SMYTH STUART.

On

On August 4th, 1803, he accidently heard of the Convention, &c. with the United States of America, and immediately delivered the following.

To Thomas M^Donald, Henry Pye, Richard and John Guillemard, Esqrs., Commissioners appointed by Act of Parliament for distributing the money stipulated to be paid by the United States of America, under the Convention made between His Majesty and the United States, among the persons having claims to compensation out of such money.

The Memorial of J. FERDINAND SMYTH STUART, M. D.

SHEWETH,

That he was settled in Virginia and Maryland in the line of his profession as a Physician, (where fees are not honorary as in England), for many years before the rebellion broke out, but, on account of his loyalty, was compelled to abandon his home as early as October 1775, when he immediately joined his Majesty's Arms, &c. &c. &c. That having been abroad on his voyage to and in the W. Indies, in the service of Government, at the time of the treaty of amity and commerce with the United States, he never heard of it, or the convention entered into since then, until the 4th instant, or of your Board; before which, he could not have preferred his claim sooner, not having the least knowledge thereof before that time. Your Memorialist therefore hopes that you will have the goodness to take his case under your consideration so as to receive and admit his claims to be brought before you for investigation, and, that he may be permitted to adduce such proofs in support thereof as may be in his power, &c. &c.

FERD. SMYTH STUART.

No. 25, *Bloomsbury Square*, *London*.
August 11, 1803.

STATEMENT, in sterling money, of sums principal and interest, claimed by J. Ferdinand Smyth Stuart, M. D. in the States of North Carolina, Virginia, Maryland, Pennsylvania, and New York, before the Commissioners appointed by Act of Parliament for distributing the money stipulated to be paid by the United States of America under the convention made between His Majesty and the said United States.

Amount of Principal - - - -	£5157 3 11
Amount of Interest, calculated to June 1, 1804	7873 15 8
Total amount of Principal and Interest claimed	£13,020 19 7

FERD. SMYTH STUART.

*** All the documents, accounts, &c. were delivered into the office of the said Commissioners, in Great Marlborough Street, in August 1803, yet, although it was impossible for him to make application sooner, his claim was considered as too late, although most evidently coming within the letter and spirit of the 6th article of the treaty and the convention, as well as the Act of Parliament that authorized them; therefore he hopes that your Lordships will be pleased to revise and consider it.

FERD. SMYTH STUART.

London, 1807.

To the Rt. Hon. the Board of Treasury.

Cox, Son, and Baylis, Printers, Great Queen Street.

Different Tracts and Surveys of most valuable Lands, some of them with Improvements, and others without, belonging to J. FERD. SMYTH, ESQ.

A large tract of land on Monangahala river, containing 9000 acres, woodland and meadow, upon Sandy-creek, with a house and two plantations thereon. -

A tract on Beaver-creek, and Ohio river, containing 3000 acres of very rich land, with houses and two plantations thereon. - - - - -

A tract on the Ohio, at the North-east end of the streight-reach, containing 2000 acres of fine land, with houses, and a plantation upon it. - - -

A tract on the Ohio river, at the Bigbend, containing 16000 acres. - - - -

A tract on the Ohio, at the mouth of Sandy-creek, containing 9000 acres of very rich wood land, with a salt spring and coal banks thereon. - -

A tract on the Ohio river at the Lake, containing 1500 acres, and another consisting of 500 acres opposite.

A tract on the Ohio at the confluence of Ouabache river, containing 2000 acres. - - -

A tract on the Ohio, at the confluence of the river Cherokee, containing 3000 acres. - -

Besides nine more different tracts, or surveys of lands, on the rivers Mississippi, Yassous, &c. the most southerly of which is at the Natches, containing in all 17,000 acres - - - -

The surveys, &c. of these lands are deposited in the hands of Lord Southampton, and are ready to be produced.

July 23, 1784. J. F. D. SMYTH.

Sundry extra personal Effects lost or carried away during the Rebellion.*

		£.	s.	d.
1777	A very fine young English mare left on Barren Island, when the grand army embarked for Chesapeak and Philadelphia, which the rebels privately carried off, well worth 50 guineas - -	52	10	0
1777	Another of inferior value, in the same manner and circumstances carried off, well worth 25 guineas	26	5	0
1778	A very fine young English stone-horse, for which I paid 60 guineas, and after wintering him, when hay cost me 22s. 6d. per hundred weight, was carried off by my groom, named William Williams Cooley, a soldier, who deserted with my horse, saddle, holsters, pistols, and 11 guineas. The horse he sold in Washington's camp to the pretended Lord Sterling for 498 l. he was well worth - - -	105	0	0
	Saddle, furniture, &c. lost as above, cost me -	12	12	0
	Holsters and pistols, lost as above mentioned -	7	7	0
	Cash taken by the said deserter, 11 guineas -	11	11	0
	Two horses left at the evacuation of Philadelphia with a friend, but afterwards seized on by the rebels	52	10	0
	A most excellent and beautiful English Charger, or rather Irish, which cost 65 guineas in Ireland when 3 years old, but cost me only 40 guineas when forage was so very scarce and dear, killed by accident on Long Island. I have refused 100 guineas for him, and estimate him at - - - -	63	0	0
	My baggage was lost three times—once at the evacuation of Perth-Amboy—once on the march from the head of Elk to Philadelphia, and once on the march from Philadelphia to New York, entirely, worth altogether about - - -	105	0	0
	Two very elegant and excellent fusees lost, one carried by my servant, who was killed in an action, May 1, 1778, and the other after the action of Freehold, in the Jerseys, both being well worth 15 guineas	15	15	0
		451	10	0

J. F. D. Smyth.

* Mr. William Shepherd, and Mr. Joseph Fox, will prove the above.

Cox, Son, and Baylis, Printers, 75 Great Queen Street, London.

your Lordships. your Lordships. your Lordships.

TO THE

RIGHT HONOURABLE THE SECRETARY AT WAR.

THE REPORT

(DELIVERED ACCORDING TO GENERAL ORDERS FROM THE WAR OFFICE)

OF

JOHN FERDINAND SMYTH, OR FERDINAND SMYTH STUART, Esq.

Great grandson of King Charles the 2d by the unfortunate Duke of Monmouth and Lady Henrietta Maria Wentworth, Baroness of Nettlested, &c. &c. M.D ; and late Captain in the Loyal American Regt, Captain Commandant of the corps of Royal Hunters (185 rank and file) cavalry and infantry attached to and afterwards incorporated in the late Queens Ranger's, of which gallant regiment his men composed the greatest and bravest part, and caused it to be so highly distinguished during the whole of the last war. His 1st commission as captain is dated 1775, Nov. 5th; and his commission as captain in the Queen's Rangers is dated 1777, Sep. 26th.

HIS AGE 57, in good health, strength, and activity.

HIS PAST SERVICES.

He has served his Majesty as a captain ever since the year 1774, and was that year engaged in a sharp action against the Indians in America, wherein he had the fortune of being honourably distinguished. That as early as 1775, he was compelled to abandon his home, his fortune, and his family, on account of his loyalty in the cause of his King and country; and immediately joined his Majesty's arms. That being then ordered on an expedition of great importance, he had the misfortune of being captured by the enemy, along with Lieut. Col. J. Connolly and Lieut. Alan Cameron (now col. of the 79th regt.) after being dangerously wounded, on the 19th of Nov. 1775, was closely confined, yet in continual danger of being murdered by the ruffians that composed his guard, until Dec. 30th, when he effected a most hazardous escape for the express purpose of preventing Detroit and Upper Canada from falling into the hands of the enemy. That he succeeded in this great object, but was again captured himself, and was dragged 400 miles, to the capital of the enemy, with circumstances of horrid barbarity; where he suffered a close and cruel confinement, in irons, in a dungeon, and subsisted on bread and water alone, during 12 months; when he was again carried 150 miles in irons: and this extreme severity was occasioned by his distinguished zeal and activity in the cause of Britain; for, during that time, he was frequently offered any command in the American army, which he always positively rejected. That having again effected his escape (for the enemy refused to exchange him) he suffered unparalleled hardships, and, after being driven out to sea in a storm all night, he was taken up by Admiral Hotham in H. M. S Preston. On his arrival at New York he accompanied the Danbury expedition. That his regiment being in Canada, he did duty in the Loyal American regiment, as a captain, and afterwards in the 42d, in the 1st of which he was offered the majority; but his services were thought necessary, along with the grand army, by the Commander-in-Chief. That then he raised a corps of 185 chosen men, faithful, active, and zealous, and was constantly engaged on hard service on the advanced posts, commanding them as Captain Commandant, until he was attached to the Queen's Rangers. Thus, besides his constant services in daily skirmishes and actions, having always the post of honour, he has raised, entirely at his own expense, a light corps of selected men, cavalry and infantry, which, including 45 men in the Loyal American regiment, amount to 230 men (since he was a captain) who fought with distinguished bravery all the war, and were the flower of the whole British army. Besides the above, it is not possible to relate and compress his various efforts and services within the compass of this report; yet it may not be improper briefly to mention a few of them; viz. that he refused high and flattering commissions from the Americans, before and while they attacked him with force: and, that, before he left his house, he defended it, with only his servants, against the power of three counties around him; but one of his servants was killed, and himself dangerously wounded. That while he was in the hands of the enemy he prevented numbers of British prisoners from entering into the American army, sometimes by his influence, and frequently by his money. That he hazarded his life in accomplishing the grand object of saving Detroit and Upper Canada from falling into the hands of the enemy. That during his escape he, by his advice and influence, preserved a great many loyalists from utter destruction even to the number of 1000 families. That, in the Danbury expedition, with only 10 men, he repulsed and drove back with fixed bayonets above 100 of the enemy who greatly harrassed the rear of the British army, leaving 19 dead in the field.

That by his influence he has frequently procured persons to go into the enemy's camp for intelligence of the greatest importance; and in the Bay of Chesapeak he commanded the Strumpet armed sloop, for procuring intelligence, which he always obtained to the great advantage of the service, and satisfaction of both Commanders-in-Chief. That by a public letter to the Congress, 17th Oct. 1778, he was the means of preserving the life of a British officer (Lieut. Col Connelly) their prisoner, whom they were preparing to execute (see Smyth's Tour in America, 2d Vol. from pages 100 and 432.)

That in the gallant regiment to which he belonged, a regiment that went through more service than any 20 regiments, but of which in one action alone (that of Brandywine), then under the command of the Hon. Major Wymess, 28 commissioned officers were killed and wounded, it is difficult to enter on a detail

of his particular services, when those of the whole were so brilliant, therefore such only as are noticed in general orders shall be mentioned here, viz. That, at the capture of Philadelphia, he discovered 18 serviceable pieces of cannon concealed in the Delaware. That with a small detachment covering the wood cutters near Derby, being attacked by six times his force, he repulsed them, and killed more of the enemy than his detachment consisted of. That he had the honour of being particularly distinguished at the action of Edgehill, against a great superiority of the very best troops of the enemy, (Morgan's riflemen), pursuing them to the Abattis of Washington's camp. That with only two men he went into the country beyond a considerable force of the enemy, at noon-day, and brought away a very active officer of the enemy, whom he delivered to the Commander-in-Chief. That on the 1st of May, 1778, in the battle of Crooked Billet, after that most gallant action of totally routing 900 of the enemy with only 65 officers and men of the Queen's Rangers, leaving 200 dead in the field, and taking 67 prisoners, with all their waggons, horses, baggage, &c. being ordered to bring up the rear of the regiment, he was attacked alone by 17 of the enemy in a wood, two of whom he killed, and beat the rest back upon the Highland company of the regiment, by whom they were all slain. That, in the sharp skirmish at Croswick's Creek in the Jerseys, upon Captain Stephenson being shot through by his side, he with only 80 men attacked the enemy, consisting of 2500, with 6 pieces of cannon, strongly posted to oppose the passage of the British army, drove them from the bridge which they had fortified, and thereby secured the safe passage of the whole army through that strong and important pass. That at the battle of Freehold the regiment being only 340 strong, having alone and unsupported sustained the attacks of 5000 of the enemy under General Lee, during 2 hours in the morning, Sir W. Erskine, after taking a circuit of several miles, with the Queen's Rangers and first battalion of light infantry, consisting in the whole of only 800 men, intending to turn the enemy's flank, came unexpectedly upon Washington's grand army, of 15,000 men drawn up on a hill in order of battle, when 3000 were advanced to cut off the British detachment in a broad and deep morass, which they were obliged to pass over; that, commanding 80 men as a forlorn hope, he was ordered to sustain the attack of the whole column of the enemy, in order to cover and secure the retreat of the rest of the detachment; these 80 men being necessarily intended to be sacrificed to preserve the rest from being cut to pieces; but, after a long and severe conflict, in a narrow pass, in which he posted his men, he had the good fortune to repulse the whole column of the enemy with very little loss, and likewise recovered one of the guns belonging to the 1st battalion of light infantry left by them in the morass. This signal action happened on a day, when the heat was so excessive, that, although many men were killed in battle, more died of fatigue. That in the evening of the same memorable day, being again detached with two companies under his command to cover the retreat of some troops in danger of being cut off by a very superior force of the enemy, after performing that service, he by an ambuscade killed 5 and captured 27 of the enemy without the loss of a man. But the impossibility of comprising the heads of his different services within the limits of this report must appear evident, by these few, which do not compose a tenth part of them. That, at the peace he immediately stated to administration the pernicious consequences of the boundaries, thereby allowed to the Americans, in so just and strong a light, as induced government to retain possession of the Grand Posts in the back country (as he pointed out and forcibly urged), which are the keys of Canada, thereby, preserving that most valuable country a second time, as well as the fur trade of North America, of inestimable advantage to Britain. That in the year 1785, being in Jamaica, he was appointed Major of the 1st battalion of the 60th regiment, dated 27th Aug. 1785, in that island only. Being bred to the profession of Medicine, he practised as a physician in America, in the West Indies, and in London, with an ample share of reputation and success. He has sacrificed above £1500 a year, besides 64,900 acres of the very best land in the world on account of his loyalty and attachment to Britain.

At the commencement of the present war he immediately offered his services to government, either as a physician on the staff, or as an officer in the line, or in any manner that he might be rendered of advantage to his King and Country. That being ordered out to the West Indies, he was shipwrecked three times in Admiral Christian's unfortunate fleet; however, at length he arrived there, was at the capture of St. Lucie; and from thence at Martinique, and St. Domingo, where he was attacked with the yellow fever, and had the happiness of being the means of putting an end to the dreadful mortality of that disease to which 7,600 men fell a sacrifice in one month. He returned through America (was attacked by that dreadful malady a second time the same year) to New York, and from thence to London, where he resides with his wife and young infant family, and is ready and willing to serve in any manner that he may be rendered of most advantage to his King and Country.

FERDINAND SMYTH STUART.

No. 25, *Bloomsbury Square, London, March* 25, 1803.

☞ Ample testimonials from characters of the highest merit and rank are annexed.

Recommendation of the DUKE OF GRAFTON.

I beg leave to recommend the bearer J. F. D. Smyth, a relation of mine, as a gentleman possessing very great public and private merit, and well deserving the highest esteem and respect; as his other testimonials fully evince.

Certified by me this 13th May, 1785.

GRAFTON. (L.S.)

Piccadilly, London.

Printed by Cox, Son, *&* Baylis, *Great Queen Str.*